







# *CURRENT PROBLEMS*

General Editor:  
**ERNEST BARKER, LITT.D.**



**THE IDEAS AND IDEALS OF  
THE BRITISH EMPIRE**

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THE  
IDEAS AND IDEALS  
OF THE  
BRITISH EMPIRE

By  
ERNEST BARKER

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**The British Empire is not founded upon negations.**

**It depends essentially, if not formally, on positive ideals.**

**Free institutions are its life-blood.**

**Free co-operation is its instrument.**

**Peace, security, and progress are among its objects.**

*Report of the Balfour Committee of the Imperial Conference of 1926 on inter-imperial relations.*

## INTRODUCTION

THIS book has sprung from a course of Extension Lectures delivered in the town of Cambridge during the last months of last year. The substance of those lectures, so far as the first three were concerned, was drawn from notes which had already been used before: the first lecture, for instance, had been previously delivered, in different versions, to audiences in the University of London, the University of Cologne and the Hindu University of Benares; the third lecture had been previously delivered, on the invitation of the British Institute of Paris, to an audience in the Sorbonne. The last three lectures were entirely new, and written for the occasion. On the suggestion of the Secretary of the University Press, the writer has transformed the lectures into a book. He must confess that they have been very largely altered in the process. A book is something different from a course of lectures: it should possess a greater unity, and should show a different turn of style; and considerable changes have accordingly been made in the original lectures, mainly for these reasons, but also for others.

The writer desires to thank the audience which attended the course of lectures (not a large, but a very understanding and stimulating audience) for the large part which it has played in bringing the book to birth,

particularly by its contributions to the discussions after each lecture. He would also apologize to any member of his audience who may feel, on scanning the features of the child, that they have suffered a change.

The general point of view from which the book has been written will be evident from the general course of the argument, and perhaps particularly from the last paragraph of the Epilogue. Of the many debts which the writer owes, perhaps the greatest is that in which he stands indebted to the collective work on *The British Empire*, written by a study group of members of the Royal Institute of International Affairs. But he would also like to acknowledge his debt to his friend Sir Anton Bertram's book on *The Colonial Service*.

*Cambridge, January 1941.*

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## CHAPTER I

### THE CONCEPTION OF EMPIRE IN HISTORY

#### *The Definition and Associations of Empire*

THE word ‘Empire’, upon a cold analysis, signifies primarily a particular form of authority, and secondarily, by a natural expansion, the area over which that particular form of authority is exercised. Considered in its primary significance of a form of authority, empire originally meant the unlimited and over-riding authority (*imperium infinitum majus*) held by a single person, more or less autocratic (though he might disguise autocracy under the assumed veil of ‘delegation’ from the People and ‘partnership’ with a Council or Senate), and more or less—generally *more* than less—supported by military force. Later this original meaning, and this personal sense, of the form of authority denoted by empire was extended to cover the more impersonal authority exercised by a sovereign State—and not by a person, though traces of the personal element might still survive<sup>1</sup>—over non-sovereign States or dependencies. Considered, again, in its secondary significance of the area over which authority of the imperial form is exercised, empire

<sup>1</sup> For example in the title of Emperor of India created by the Royal Titles Act of 1876.

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originally meant a large territory—composed of different parts or provinces attached to a metropolitan centre, and therefore composite, if not federal—which was united under the control of a single person; but here again the original meaning and the personal implication have been broadened, and empire now generally denotes, in the language of the dictionary, “an aggregate of subject territories ruled over by a sovereign State”—an aggregate, we may add, in which the subject territories may be attached to the sovereign State in various, and differing, degrees of subjection.

This is only a cold analysis and a matter of verbal definition. But the word ‘Empire’ is more than a word in the dictionary. It is one of those magical and emotional words which stir the blood. Such words owe their magic to their associations; and their associations are deeply embedded in history. To understand them, we must dig into a buried, and yet living, past.

There are some associations clustering round the word ‘Empire’ which may be called general or common. They do not vary from country to country, or from one school of opinion to another. These are the associations with which we shall be mainly concerned. But there are other associations which may be called particular or peculiar. They vary from country to country, or from one school of opinion to another. To clear the ground, we may first address ourselves to the particular associations of the word ‘Empire’; and

here we may begin with the particular associations of different countries, and then proceed to the particular associations of different schools of opinion.

*The Particular Associations of Empire in  
Different Countries*

In Italy the word *impero* recalls the memory of the Roman Empire of Augustus and his successors. It means a conscious and cultivated recurrence to the days in which a virile and expansive Italy ruled the Mediterranean world. Mussolini has expressed the Fascist conception of empire in the last section of an article on 'the doctrine of Fascism' published in 1932.

"The Fascist State is a will to power and to *imperium*. The Roman tradition is here an idea of force.... For Fascism the tendency to empire—that is to say, to the expansion of nations—is a manifestation of vitality: its contrary... is a sign of decadence: peoples that rise or re-arise are imperialist, peoples that die are peoples that resign.... Empire demands discipline, co-ordination of forces, duty and sacrifice." Such are the Italian associations of the word *impero*, based on Rome and 'the Roman tradition'. They are associations which may remind the devoted Fascist of the words which Vergil uses of Augustus (the model of Mussolini) in the Sixth Book of the Aeneid: "He shall stretch his empire over the Garamantes of the Sahara: ... at his coming the trembling gateways of the seven-branched Nile are troubled."

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In France *l'Empire* means the memory of Napoleon. It is, in a word, the French nation, incarnate in a man who represents it under commission from it given in the form of a plebiscite: it is the French nation marching, under that man, to spread what it believes to be the benefits of French civilization, and especially the great benefit of social equality, to peoples who are to be both its brothers and its subjects—brothers in the fraternity of a common French civilization, and subjects in the sense that they are disciples of French light and followers of French leading. Here empire is at once a form of government and a mission of culture. We must note the conjunction of the two ideas: it is a conjunction that will recur in our argument. We must also note, behind the figure of Napoleon, the Roman tradition and “the ghost of the deceased Roman Empire sitting crowned”. He, too, like Augustus, has disguised autocracy under the veil of delegation from the people. To him, too, Vergil’s words (again from the Sixth Aeneid) might seem to be addressed: “Do thou remember, son of Rome, to rule the peoples by thy imperial sway—these shall be thy arts of civilization—to impose the habit of peace, to spare thy subjects and to subdue the proud.”

In Germany there is no current word derived from the Latin *imperium*: there is instead the untranslatable German word *Reich*—to which there was once added the Latin name of Caesar, which made the old *Reich* of the Middle Ages a *Kaiserreich*, or a Romano-Germanic

amalgam. Here, too, we may note the Latin or Roman tradition, attenuated indeed, but long struggling for survival. Latterly, however (and at any rate since the end of 1918), the Latin word *Kaiser* has gone: the Roman element has vanished, or diminished to a tenuous relic: the Germanic *Reich* remains. What is the *Reich* in its modern connotation? If one reads *Das dritte Reich* of Moeller van den Bruck, published in 1923, one finds that it is a misty mysticism. The third *Reich*, which has succeeded the second *Reich* of the Bismarckian epoch (1870–1918), as that in its turn had succeeded the first *Reich* of the old Holy Roman Empire (800–1806), is an *Endreich* or millennium. It is the German nation, the whole German nation of one hundred million souls, regarded as a community of values (*Wertengemeinschaft*)—values which are in one sense particular, because they are produced by the thought of a particular and peculiar nation, but in another sense are imperial or universal, because they are the highest values, and because they therefore possess a universal validity. Here the *Reich* would appear to be a system or mission of culture, essentially German in character, but also, in view of the height of German culture, imperial or universal in scope. It is hard to translate the Delphic utterances of Moeller van den Bruck into plain English; but here are some words literally rendered. “There is only one *Reich*, as there is only one Church. Whatever else claims these names, is merely a State, or only a congregation or sect.

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There is only *the Reich*.<sup>1</sup> We may add some other words. "The idea of perpetual peace is indeed the idea of the third *Reich*. But its realization must be achieved by struggle, and the *Reich* must be maintained."<sup>2</sup> These prophecies made from the tripod may be said to have been elucidated during the eight years since Hitler's accession to power in January 1933, and their realization may be argued to be in process of 'achievement by struggle' to-day. But the *Reich* of Moeller van den Bruck has taken to itself new bedfellows in the philosophy of Hitler—the bedfellow of *Raum* (or, as it is called, *Lebensraum*) and the bedfellow of *Rasse*. A millennial *Reich* which is a community of values undergoes a change when it is joined with a sweeping vindication of life-space and a fanatical devotion to the physical cult of race.

In England we have used the Latin word 'Empire' in our own sense, and with little admixture of the Latin tradition. At first, when we said that 'this realm of England is an empire', and that its king is the 'entire emperor' of his realm—as we began to say under Richard II, and more especially under Henry VIII—we were making only a negative assertion. We meant that England was not subject to the Holy Roman Empire, or, for that matter, to the Roman pontiff; that it stood by itself, and was independent; and that it might, even if only in self-defence, be justly called

<sup>1</sup> *Das dritte Reich*, p. 245.

<sup>2</sup> *Ibidem*, p. 241.

an Empire.<sup>1</sup> But the word 'Empire' came in time to mean for us something different, and something more positive. From the seventeenth century onwards empire has signified for us neither ourselves nor our own territory, but something outside ourselves which is yet a part of ourselves. (The word 'Empire' does not seem to have been used in this connexion till the latter half of the eighteenth century or before the days of Burke: down to that time the current term was 'our plantations'; but the fact which came to be designated by the word 'Empire' was far earlier than the use of the word.) The significance of empire, in this new use, was originally—and a great part of its signification still is—the expansion of an insular and maritime people overseas for the two purposes of settlement and business. Empire was thus a *Völkerwanderung* mixed with a business proposition: it was partly an exportation of English stock and ideas, and partly an exportation of English money and commodities in the hope of a lucrative return.

In this original significance the British Empire, as we shall presently see, was one of a number of similar maritime empires—all of them new, and unconnected with the Roman tradition of empire—which arose with the beginning of modern history after the year 1500. But this original significance of our seventeenth-

<sup>1</sup> The use of imperial titles by the later Anglo-Saxon kings (e.g. *imperator* and *basileus*) may, if it is more than a flourish of the Latinity of royal clerks, have had a similar significance.

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and eighteenth-century empire has been subjected to a process of historical alchemy and progressive transmutation. History, as it sometimes does, has brought a process of sublimation to work on a mixed and rude material; and the century which has elapsed since the publication of Lord Durham's report, which led in 1840 to the institution of responsible self-government in Canada, has turned an empire which was a mixture of a *Völkerwanderung* and a business proposition into a subtle and intricate structure for the development of human freedom. The British Empire, changing itself with the passage of the years into a British Commonwealth of free Nations, is a system of three concentric circles, each permeated, in its different method and degree, by the same idea of freedom—the circle of the Dominions, autonomous communities equal to one another and to Great Britain at their centre; the circle of India, drawing closer and closer to responsible self-government and full Dominion status; and the circle of the colonial or dependent Empire, moving by different methods, but especially by the method of Indirect Rule, to the goal of democratic participation in the conduct of its affairs. An empire so intricate and inspired by such an idea is something entirely new in the history of the conception of empire. It is, in effect, an empire without *imperium*: an empire which has preferred the opposite principle of *libertas*. It is a contradiction in terms, and a living paradox.

*The Particular Associations of Empire in Different Schools of Opinion*

The associations of the word 'Empire' not only differ from country to country: they also differ, as we have already remarked, from one school of opinion to another. Conservative opinion, clinging to the idea of national solidarity, and generally drawn towards an economic policy of protectionism, has espoused the further and apparently allied idea of imperial unity, and the further and also apparently allied policy of imperial preference. Liberal opinion, with its passion for the liberty of nations and its tendency towards the economic doctrine of free trade, has turned more to the idea of colonial autonomy than to that of imperial unity, and more to the maintenance of the open door (in the general interest of the prosperity of all nations) than to the institution of any close system of imperial economy. But it is the Socialist school of opinion, and more especially the strict Marxian wing of that school, which has detected in the conception of empire—or projected into that conception—a whole system of particular associations which it cherishes and seeks to diffuse. Assuming a philosophy of economic determinism, and constructing a history of the past which is based on the principle of economic interpretation, the Marxist connects the name and conception of Empire with economic imperialism. Empire is in his view a word of the capitalistic vocabulary. The fact of

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empire means to him that the European *bourgeoisie* or capitalistic state, based on the principle of human exploitation within, exports that principle without, and seeks to exploit the non-European peoples which it brings under its dominion as compulsory producers of its raw materials and compulsory purchasers of its manufactured commodities. Interpreting the fact of empire in this sense, the Marxist draws a corollary from his interpretation. Since one European State vies with another for the control of exploited non-European peoples, the result is war, imperialistic war; and Empire is thus the most blood-stained word in the whole human vocabulary. This general interpretation, and this corollary, are not confined to the present: they are carried back into the past. The Marxist sees England and France waging wars of economic imperialism in the eighteenth century, and England and Spain waging similar wars in the seventeenth: even farther back—in the history and the wars of classical Rome, in the life and conquests of Alexander, in the expansion and aggression of ancient Persia—he sees empire always as an economic fact, and an economic fact which belongs to the devil's side of the world.

### *The General or Common Associations of Empire*

From the particular associations of empire, both in different countries and in different schools of opinion, we may now turn to the general or common associa-

tions—the associations which, though at any particular time they may have been particularly resident among a particular people or in a particular region, have none the less, in the course of the ages, become the general associations current in the common mind. In examining these general associations, which are the deposit of ideas left by the flow of the stream of history, we shall incidentally be enabled to see how far the ideas which the Marxist seeks to read *into* history correspond with the ideas which (if the expression may be permitted) can be read *from* history.

The general associations of empire may be divided into two phases—the ‘classical-continental’ phase, and the ‘modern-maritime’. The first phase may be called classical, because the associations belonging to it originated and grew in the Classical Age of Greece and Rome, even though we have to remember that they maintained themselves, and continued to show their vitality, during the Middle Ages and even into the Modern Age: it may also be called continental, because the area of empire, and the view of empire, with which the associations of this phase were connected, were mainly limited to the continent of Europe. The second phase (which we have already had reason to notice in speaking of the particular associations of empire in England) may be called modern, because it began to appear with the beginnings of the Modern Age about A.D. 1500: it may also be called maritime, because the growth of empire, and

the view of empire with which the associations of this phase were connected, were directed overseas and concerned with the other four continents.

### *The Classical-Continental Phase of Empire*

In dealing with the Classical Age, we need not go any farther back than Greece and Rome. The old Oriental Empires have left no legacy. The name and idea of empire, as they descended to the Middle Ages and as they were transmitted by these ages to the Modern Ages were essentially a part of the Graeco-Roman tradition. They were an integral element of the general classical heritage, and especially of the later and Roman half of that heritage. But though it was especially Roman the idea of empire began in Greece—the Greece of the days of Alexander and of the Hellenistic period which followed his days; and we may almost say of that idea, as Sir Henry Maine said of the idea of progress, that “like all other ideas, it is ultimately Greek in its origin”.

The Greeks, before Alexander's time, had long been exporting their stock, and the ideas and culture that went with their stock, to scattered points on the coast of almost all the Eastern, and of part of the Western, Mediterranean. That had not created a Greek Empire (each settlement was independent, and each colony an autonomous State): it had created only a Greek Diaspora. The conquests of Alexander, after 336 b.c.,

mark a new epoch. They too, it is true, are an export of Greek stock and Greek ideas, resulting in a diffusion of Greek colonial settlements, Greek trade and Greek culture, over the west of Asia. But they produced something more than the sporadic and scattered settlements of earlier ages: they produced the idea of an empire, bound together by a form of political unity and united by a common culture; and they made that idea an integral element of European thought for the future. The idea was destined to pass to Rome; through Rome to the Middle Ages and the Holy Roman Empire of those ages; and from the Middle Ages to the modern world. It became a continuous idea, continuously part of the system of European life and thought.

The form of political unity inaugurated by Alexander, and developed by the Diadochi of the House of Seleucus in Asia Minor and the House of Ptolemy in Egypt, may seem to be a curious form; but it was a form which was inherited and maintained by the Roman Caesars. It was found in the deification of the ruler, and in a common adoration of his imperial divinity. This was the cement of the Greek, or as it may be more appropriately called the Hellenistic, Empire. The different cities and tribes were held together by a common worship of one divine king as a 'manifest god'. This deification of the ruler was not an Oriental importation. It was a Greek idea and practice, already evident, in the days of Alexander

himself, among the Greeks who had long been settled on the coast of Asia Minor; and it accorded with that Greek tendency to the mixing of Gods and men in a common life which appears in all Greek mythology. A man of heroic stature, such as Alexander, might become a God, act as a God, and receive the adoration due to a God, just as a God might become a man and act as a man. It was thus a Greek mode of thought which supplied that idea of allegiance to a deified ruler which could cement a great composite State of different elements and so constitute an empire. It is one of the curious recurrences which sometimes mark the palimpsest of history that the idea should have again reappeared to-day in the semi-deification of a Führer or Duce.

The Hellenistic Empire had the unity of a common culture as well as a form of political unity. That common culture may be said to be expressed in the theory and teaching of Stoicism, and especially in the Stoic theory of the cosmopolis. The Stoic thinkers of the days of Alexander and his successors were many of them non-Greek: they belonged to Semitic or other Oriental strains. They had no necessary admiration for the Greek ‘polis’ or city-State accepted and admired by Aristotle. They preached instead the cosmopolis or world-State, which was also, in their view, the ‘polis Dios’ or city of God or *Civitas Dei*. God, they held, was Reason: all men were participators in his diffused and permeating reason, which “passeth and goeth

through all things";<sup>1</sup> all men, by virtue of this participation, were linked in fraternity with one another, and with God, in a common city of reason which transcended and united their artificial differences of political systems and boundaries. We may almost say that Stoicism is a philosophical, or even a theological, complement to the political fact of Alexander's conquests and to the political theory (which itself had a theological character) of the deified ruler.<sup>2</sup> Just as the Holy Roman Empire of the Middle Ages found its complement in the doctrine of Catholicism, so the Hellenistic Empire found its complement in the philosophy of Stoicism. Already a form of government was linked with a mission of culture; and a conjunction destined to a long history had already been established in the Eastern Mediterranean as early as the third century B.C.

The Roman Empire, which succeeded to the Hellenistic, came to birth in the first century before our era. It sprang into existence when Rome touched and absorbed the ideas and systems of the Hellenistic East, and when she took over, as its gift, both the deification of the ruler, which begins already with Julius Caesar, and the Stoic theory of the *cosmopolis*, which found

<sup>1</sup> The Wisdom of Solomon, vii, 24. The whole passage seems to be based on Stoic theory.

<sup>2</sup> It may be noted that while the Stoics described their *cosmopolis* as a *polis Dios*, the kingdom of the deified Seleucus could also be described, as it is in an inscription, as the Kingdom *Dios Nikatoros*: the Kingdom of God the Conqueror.

its noblest advocate in the emperor Marcus Aurelius. But Rome brought with her to the development of the conception of empire something of her own, besides absorbing what the Hellenistic East had bequeathed. She brought the political facts and the political factors of a unified Western Mediterranean world to join the political and philosophical ideas of the world of the Eastern Mediterranean. Among the political factors which she brought there were two which deserve especial notice. They may be expressed in the two words *imperium* and *jus*.

*Imperium*, in the Roman conception and practice, was the authority, both civil and military, vested by public law, already in the days of the Republic, in the various higher magistrates, or executive officers, of the Roman people. An *imperator* was any of those higher magistrates or officers who wielded that authority.<sup>1</sup> It is important to notice that military as well as civil authority was involved in *imperium*, and that the *imperator* (at any rate in the strict and original sense) was both a general with an army and a minister with a portfolio. When the Roman Republic began

<sup>1</sup> At an early date, however, the title of *imperator* ceased to be used in connexion with civil authority, and was therefore never applied to a magistrate acting 'at home'. It thus came to be connected with military authority, and to be applied to the magistrate 'on service abroad' in the command of an army. The use of the term *imperator* thus diverged from the use of the term *imperium*, which continued to carry the double connotation of civil and military authority.

to become an empire (as we may say that it did from the days of Augustus and from the year 27 B.C.) the term *imperium* also began to change its meaning. It ceased, on the whole, to designate the authority of any one of a number of different higher magistrates (such as the consuls and praetors): it began to mean, *par excellence*, the one and single *imperium*—the overriding authority, without any territorial limits—which was henceforth attached to a single highest magistrate, who styled himself (in a peculiar and special sense) by the title of *imperator*.<sup>1</sup> Any idea of other *imperia* and other *imperatores* fades away: *imperium* becomes the plenitude or ‘totality’ of civil and military power, and the *imperator* is the one and only person possessing that plenitude. This seems pure autocracy; but we must notice that autocracy long continues to wear the form of a democratic disguise and to carry, at any rate in form, the insignia of a popular origin. *Imperium* makes its peace with *libertas*: the people of Rome is held to confer the *imperium*; and it is by virtue of a *lex de imperio*—which, being a *lex*, must be passed by the people, the formal source of all *leges* in the strict sense of that word—that the emperor has his *imperium*. This idea of the democratic basis of empire survives,

<sup>1</sup> There are problems connected with the use of this title by Augustus, and by his successors from Nero onwards. It seems to have been used as an inherited family *praenomen* more than as an official title connected with the *imperium*. But it was none the less a title peculiar to the man who alone possessed the true *imperium*.

as we have already noted, in the Napoleonic Empire of A.D. 1804. That, too, like the old Roman Empire, is autocracy wedded to democracy by means of a plebiscite.

The other political factor which Rome brought to the development of the conception of empire is the factor of *jus*. *Jus* is a body of binding rules actually recognized and practically enforced by the courts. It is a thing, we may roughly say, that follows and tends on *imperium*; and thus, when we get one *imperium* established over the Mediterranean world, we also get one *jus*. The Roman Empire not only means the uniform pressure of the imperial authority of the *imperator*: it also means the benefit of the uniform rule of a single body of recognized and enforced Roman law. Vergil, as we have seen, bids the Roman remember *regere imperio populos*. He might also have bidden him—and this is perhaps a still greater commandment—*dirigere jure homines*: to guide men's actions, by the rule of law, into legal and law-abiding ways. This was a commandment which Napoleon remembered: his empire was associated with a code; and that code is its permanent bequest. It is also a commandment which the British Empire has instinctively and unconsciously remembered. Wherever that Empire has gone, it has carried the English common law and spread that guarantee of 'the rights of the subject' by effective legal remedies which is the essence of the common law.

The Roman Empire thus added to the Hellenistic deification of the ruler and the Hellenistic philosophy (or theology) of Stoicism the two political factors of a single effective executive authority, called by the name of *imperium*, and of a single recognized and enforced body of law, called by the name of *jus*. A new and transcendent element was added to these various ingredients of the conception of empire when, towards the end of the fourth century A.D., Christianity was 'received' by the empire. Hitherto the empire, so far as it had carried a cultural or doctrinal content, had carried the culture of Stoicism. Henceforth it carried the doctrinal content of the Christian faith. It was not that Stoicism utterly disappeared. Christian theology, in its doctrine of a city of God and the common brotherhood of men in the citizenship of that city, inherited and magnified the Stoic tradition; and Stoicism, we may say, was sublimated rather than eliminated. But the crucial thing, so far as the conception of empire is concerned, is that this conception, which had always carried, from the very first, some sort of doctrinal content, was now charged with a deeper and far more sovereign content. Empire had never been mere power. It had always been a vessel carrying, and existing to carry, some great cargo or freight. From A.D. 400 we may say that it carries, and exists to carry, the freight of the Christian faith. Not that the conception and practice of empire always, or often, carried that freight successfully. But the fact remains

that in Western Europe, for over a thousand years (from A.D. 400 to the end of the Middle Ages), whenever men thought or spoke of empire they spoke and thought of something which was more than secular—something which was, in some sense, ‘holy’—something which had a work to do for God, however imperfectly the work may have been done. Nor need we stop even at the space of over a thousand years. It was not till as late as 1806, when the Holy Roman Empire was finally extinguished, that this association between the conception of empire and the idea of religious obligation seemed also to disappear; and even to-day the question may still be asked whether its memory and its inspiration have vanished or still, if in altered forms, survive. It was only a few years ago that the writer was wandering through Vienna. There, when he went into what is called the secular treasury, he found, among other treasures (the dalmatics of the old Norman kings of Sicily, and the relics of Napoleon’s son, the king of the Romans), a gold and jewelled crown;<sup>1</sup> and on the front was a golden cross. It was the crown of the Holy Roman Emperor. The sight of that crown enforced a lesson. Empire, as we have already had reason to notice, is not only a form of government. It is also a mission of culture—and of something higher than culture.

<sup>1</sup> The crown has now been removed by the Führer into Germany—if the writer’s memory is correct, to Nuremberg.

The classical heritage of the conception of empire—that Graeco-Roman conception which by A.D. 400 had become Christian as well as Greek and Roman—has had a longer place and a longer history in our Western world than we always realize. We all know its great manifestation in the mediaeval Holy Roman Empire, which, beginning with the coronation of Charlemagne on the Christmas Day of A.D. 800, lasted for a thousand years (though latterly only as *magni nominis umbra*) until 1806. But that, though it is the greatest and the cardinal, is not the only manifestation of the classical conception of empire in the post-classical history of Europe. If we confine ourselves to Western Europe, we cannot but reflect that the Napoleonic Empire could never have taken its shape and form if it had not been for the inheritance of Rome, long resident in Germany rather than France (the more natural heir of the Roman tradition), but vindicated by Napoleon, at the long last, for France. Not only is Napoleon's Empire in the line of descent from Rome: it also resembles the Roman Empire, as we have already had reason to notice, in some of its essential features. It, too, has an *imperium* which is finally, or at any rate formally, delegated by the people: it, too, associates *jus* with *imperium*, and the fruit of that association is seen in the Napoleonic system of codes. But there is Eastern Europe as well as Western; and in Eastern Europe there survived, down to our own life-time, two empires which were both descended from the

Roman Empire—not, it is true, by line of descent from the old Rome on the Tiber, but by a parallel line of descent from the new Rome on the Bosphorus (now called Istanbul), which had become, during the fifth century of our era, the capital of a separate East Roman Empire. One of these empires in Eastern Europe was the empire of the Tsars (or Caesars) of Russia, which from the reign of Ivan III, in the latter half of the fifteenth century, down to the Bolshevik revolution of 1917, carried the doctrinal content of Orthodox Christianity.<sup>1</sup> The other was the empire of the Turkish Sultans, who, established in Constantinople, claimed the inheritance of the Eastern Caesars from the days of Solyman the Magnificent (1520–1566); styled themselves Kaisar-i Rüm; and, calling themselves also Caliphs, after 1543, wedded the conception of empire to the doctrinal content of the Koran and the tradition of the Moslem Ulema. It is less than twenty years since this last “ghost of the

<sup>1</sup> Ivan III had married Sophia, the niece of Constantine Palaeologus, the last Roman Emperor who reigned in Constantinople before its capture by the Turks in 1453. According to a theory (perhaps connected with this marriage) which became current during the reign of Ivan III's successor, “Russia as the protectress of Orthodoxy was the heiress of the Eastern Empire, and Moscow the successor of Constantinople...the third and last Rome....The place which had been filled by the Church-State of Byzantium, in the Orthodox world, was now to be filled by Moscow. The foundation of the Moscow Patriarchate towards the end of the sixteenth century was the expression of this idea.” J. B. Bury, in the *Cambridge Modern History*, vol. v, pp. 483–4.

deceased Roman Empire" disappeared, with the passing of the last of the Sultan-Caesars in 1922 and the abolition, in 1924, of the office of Caliph which had hitherto been joined with that of Sultan.

The classical conception of empire had thus wandered into strange places in the course of its long history. In ancient times it had begun its course in the Eastern Mediterranean; it had passed westwards to ancient Rome; and then, returning on its course, had moved eastwards to the new Rome on the Bosphorus. In mediaeval and modern times it has domiciled itself in Frankfort, Vienna and Rome—not to speak of Berlin; it has set up house by the Golden Horn, and among the snows and ice of Moscow and Leningrad. In 1914 some memory of Caesar still survived in the titles used in Berlin, Vienna, St Petersburg and Constantinople: by 1924, with the crumbling of the dynasties, the titles were gone, and the last vestige of memory seemed to have faded. But the long tradition which associated some form of broad and supranational State with a mission of culture and a content of common faith is an imperishable tradition. In some way, in some 'new Europe', or 'United States of Europe', the best of this old European tradition must be recaptured; and in some new body, which may bear no visible vestige of empire, the secret heart of the tradition, throbbing with the movement of a common humane culture and a common Christian ethic, must resume its beat.

## CHAPTER II

### THE BACKGROUND AND GROWTH OF THE BRITISH EMPIRE

#### *The Modern-Maritime Phase of Empire*

IT has already been suggested, in the previous chapter, that the general or common associations of the conception of empire may be divided into two phases—the classical-continental and the modern-maritime. It is true that these two phases or periods overlap. The first phase lasted well into the second: indeed, as we have just had reason to notice, this first phase ended only (if indeed we can speak of it as having ended) in very recent times. The second phase, which began some four centuries ago, was long concurrent with the first; and the ideas and motives of the two phases were sometimes intermixed. Charles V was emperor, as well as king of Spain, during the period of the Spanish foundation of a modern-maritime empire; and the Spanish jurists who sought to construct a theory for the new type of colonial empire were naturally led to indent for ideas on the old and familiar material of the Roman Empire and Roman law. But there were profound differences between the two phases; and even at the risk of making a distinction which is cleaner and sharper than the actual difference,

we may justly treat the modern-maritime phase as something separate in its conception and unique in its operation.

We may thus hold that besides the name, the conception and the institution of empire in the sense which we have been considering, there has also existed, since the early years of the sixteenth century, a sort of thing which in our history books we currently call by the name of empire, whether or no it has actually called itself by that name, and whether or no it has been a vehicle of ideas and an organized institution with a single system of *imperium* and a single body of *jus*. We speak of the Spanish and Portuguese colonial empires in the sixteenth century; of the Dutch colonial empire in the seventeenth century; of the British and French colonial empires, with their constant struggle, in the eighteenth; and of the more recent colonial empires—German, Italian, Belgian and the new French colonial empire—which were founded during the latter half of the nineteenth and the earlier years of the twentieth century. Chronologically, the history of these new empires seems to be divided into two periods. There is a break, or fault, or dividing-line, which generally, and as a rule, comes somewhere about 1815, and is due to the stress and strain of the long wars, lasting for nearly a quarter of a century, by which the European States, and the maritime empires attached to those States, had recently been shaken. In British history, indeed the ‘fault’ comes as early as 1783, with the

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dissolution of the 'First empire' and the secession of the North American colonies; and the year 1815 and the following years are marked, not by recession or dissolution, but by a movement of rebuilding and the rise of what is sometimes called the 'Second empire'.

But in the history of other European States which had acquired empires since 1500 the recession or dissolution of empire is a feature which marks the year 1815 and the following years. The various parts of the Spanish Empire in the New World declared their independence: the Portuguese colony of Brazil became a separate and autonomous empire—a style later changed to that of a republic.<sup>1</sup> The Dutch colonies of Ceylon and the Cape of Good Hope passed to Great Britain, which had also acquired in the course of war, but returned on the conclusion of peace, the colony of Java in the Dutch East Indies. The first French empire, in Canada and other parts of the North American continent, had been already lost in the course of the wars of the eighteenth century.<sup>2</sup> The second French empire (which began with the conquest of Algeria during the reign of Louis Philippe) was a part of that second phase of empire-founding, mainly and almost

Portugal, though she lost Brazil in 1822, continued to retain in Africa the territory of Angola on the West coast, which she had occupied as early as 1575, and that of Mozambique on the East.

<sup>2</sup> Napoleon acquired from Spain the province of Louisiana in 1800, as the basis of a new maritime and colonial empire in America; but he sold it to the United States in 1803 for 60,000,000 francs.

entirely confined to Africa, which occupied the second half of the nineteenth century (and also, so far as France and Italy were concerned, the first third of the twentieth), and which drew into its course the energies not only of the old imperial States of France and Great Britain, but also of the new imperial States of Germany, Italy and Belgium.

But whatever chronological break or fault there may be in the year 1815 and subsequent years, and although we may divide the history of the modern-maritime empires into two separate periods divided from one another by that break, there are common features which run through all the four centuries of this history, and which, as they bind the centuries together, bind also together the different policies of the different States concerned. In the first place, these empires are extra-European dependencies, or aggregates of such dependencies, controlled by the Atlantic States of Europe—first by the Southern Atlantic States of Spain and Portugal, and then by the middle Atlantic States of England, France, and Holland. In the second place, the basis of these empires is maritime: their ways are the ways of the open ocean, and not of the inland Mediterranean waters: it may be said of the Atlantic States which sought to found them, as one of his councillors is reported to have said to Henry VII of England, “If we would expand ourselves, let it be that way we can, and to which eternal Providence hath destined us, which is the way of the sea”. In the third

place, these empires are empires lying outside the classical heritage of the imperial idea, which related only to the European world and (though it might be deemed and styled universal, as it is by Dante) was only continental and confined to a part of Europe. The new empires were empires in new continents, established among, and involving relations of conflict and contact with, new races which must have seemed to the first discoverers new and strange human species—almost as if, by some sudden upheaval of the earth, the Cromagnon or the Neanderthal men, whose relics science exhumes for us from the past, were to emerge in life before us, and we had to accommodate our lives to some system of relations with their temper and their habits.

The new modern-maritime empires have no doubt their affinities with the old classical empire, both in its Hellenistic and its Roman phases. That too involved the conflict and the contact of different stocks: that too involved the adjustment to one another of different economies, some primitive and some advanced: that too involved (and this, indeed, was one of its greatest services to human progress) a mingling and fusion of different cultures. But we may none the less say that the new modern-maritime empires raise, in a new form and to a greater degree, three problems which were already implicit in the earlier ages of the classical-continental empire. One of these problems is the biological. A second is the economic. A third, which

is the greatest and the ultimate, may be called the cultural problem, in that broad sense of the word 'cultural' which embraces social habit and political order as well as the realm of the arts and sciences. All these problems are raised by the relations of the maritime empires to new races of mankind, and by the biological, economic, and cultural contacts which they involve.

The biological problem is one which arises from the juxtaposition of different races—of the white race with the red, the black, the brown and the yellow. It is a problem which has two aspects. The first is that of the clash of juxtaposed species, the struggle for life, and the survival of the fittest. This is an aspect which forms an unhappy chapter in the earlier history of the maritime empires. Blindly unconscious of what they were doing, or conscious only of their own apparent interest and eager only for their own immediate triumph, the first discoverers followed the brute principle of superior strength; and the result was the extinction, or the attenuation and degradation, of the new races challenged by that principle. But a second aspect of the biological problem soon emerged; and it may be seen, from an early stage, crossing and affecting the first. This is the aspect of intermixture of species, of cross-marriage, and of the production of new and mixed breeds. The Spanish and the Portuguese intermarried with the natives of the great regions of America in which they settled: the Dutch, in Ceylon

and in Java, though to a less degree and with a result of far less magnitude, did the like. There has also been English crossing with native stocks, indigenous or imported, mainly in the West Indies and the Southern colonies on the North Atlantic sea-board; but there has been nothing comparable to the crossing of the Spaniards and the Portuguese with the native American stocks.<sup>1</sup>

The economic problem is related to the biological on the one side, and to the cultural on the other. Like the biological problem, it has two aspects—that of the clash, and also that of the intermixture, of two modes of life, two methods of economic production, and two standards of economic well-being. The European developed mode of production and standard of well-being tend at first to extinguish and destroy the native or indigenous; but they also tend, at a later stage, to pass into an intermixture in which the indigenous peoples cross their mode of production and standard of well-being with the European, and thus become semi-Europeanized for the benefit of European settlers or the aggrandisement of a European state. Neither the clash nor the intermixture (at any rate in this form) is a just or defensible solution of the economic problem, as neither the clash of species nor their mixture

<sup>1</sup> One of the most remarkable instances of crossing is that between the white immigrants of New Zealand and the Polynesian stock of the Maoris. There is also an Anglo-Indian or Eurasian community (of over 100,000 members, mainly in railway and administrative centres) in the Indian Empire.

is a just or true solution of the biological; and it is a duty of conscious and even-handed statesmanship, remembering the rights and interests of both sides, but not least the rights and interests of native populations, to provide a solution true to that principle of 'the dual mandate', or double trust, which, as we shall see in the last chapter, is now being enunciated, at the long last, as the proper principle for the conduct of all maritime or colonial empires.

The cultural problem emerges from, and it has its analogies with, the biological and the economic problems. It is a problem which begins in the conflict of different social habits, different forms of political order, different worlds (as we may almost say, when we observe how widely they are parted) of knowledge and of art: it is a problem which proceeds from conflict to contact, and, in so proceeding, rises to the level of a problem of intermixture, or at any rate co-ordination. At first the two cultures—the invading and the invaded—simply clash: the weaker goes to the wall: the invading culture (as that of the Spaniards did in Mexico and Peru) establishes its habits, its values, its faith, and its total scheme of life. At a later stage, intermixture may be attempted, either from conscious policy or from sheer inability to eradicate the tenacious hold of native culture: the conqueror may consent, or be forced, to sink, and the conquered may seem to rise (if it be really rising) to the level of cultural miscegenation. But there is no more difficult problem than the

problem of contact of cultures, especially under conditions in which one culture has the prestige of a dominant stock to support it and the other the handicap of a sense of inferiority to drag it down. There may be a good intermixture, which unites the best of both cultures, or at any rate infuses into the native culture good elements of the new while leaving it still intact in its native springs and its own best elements; but it is easy to fall into a hybrid intermixture which has no root in either stock, and therefore no capacity for life and progress. Any good intermixture depends on a just repartition of spheres, which gives both cultures their due; and such a just repartition demands a conscious and sympathetic study of native cultures. For long centuries there was no such study. The problems of contact were determined on mere pragmatic lines, by the play of unconscious forces. Only in recent times, with the growth of historical experience and the historic sense, and with the rise of scientific study of sociology and anthropology, has it become possible to face consciously and clearly the problems of contact of culture involved in the modern colonial empires. There has been a long and confused and, in many ways, unhappy chapter. To-day we are beginning at last to face in a new spirit—in the sphere of culture, as well as in the biological and economic spheres—the issues raised by the contact of races and colours. The very notion of the dual mandate or double trust implies a conscious apprehension of the

existence and rights of native as well as imported culture, and of the need of a just repartition of spheres.

Not all the parts of modern colonial or maritime empires raise these various problems of contact. There may be parts, such as are (in the main) the self-governing dominions of the British Empire, which have come to be peopled exclusively by an immigrant stock, and are areas of a single economy and a uniform culture. These are exceptional; and indeed they may be said to be peculiar to settlements of the Anglo-Saxon stock. We are left, on the whole, with the contact of populations, stocks, economies and cultures as the great common feature of the great bulk of the modern-maritime empires. In that field of contact there is a final observation which ought to be made. It relates to the effects of overseas expansion, and of the assumption of the imperial function of governing and guiding dependencies, on European peoples themselves in their own internal life. We have to consider, not only how empire works forward and outward upon dependencies, but also how it works backward and inward upon metropolitan states. The backward and inward effect may be partly injurious. It may mean the sapping of liberty (which has to be joined with empire not only abroad, but also at home) by the infusion of an authoritarian habit and the nabob spirit. It may also mean the sapping of equality by the encouragement of capitalism and a capitalistic economy. But there is also another side. On that other side we must count the encourage-

ment of general liberty, in the world at large and not least in each metropolitan State, which may come from the growth of the spirit of colonial enterprise and colonial self-reliance under new skies and in new conditions. The growth of English liberty has not only been due to the people of England itself, staying and struggling in their own island: it was also due, in the eighteenth century, to the example of the independent spirit of the North American colonists (which also acted on France, in the days of the French Revolution); and it still continues to be also due, in the present century, to the example and influence of Canada, Australia, New Zealand and South Africa, which has helped (most notably in the last quarter of a century) to make the British Commonwealth a commonwealth of free nations. There is also another factor which must be counted. This is that education in responsibility—responsibility not only before the bar of the best elements of domestic public opinion, but also before the bar of the general judgment of the world—which comes with the assumption of control and guidance of native peoples in other continents. The bar of the best elements of domestic public opinion was already arrayed in the account to which English administrators in India, such as Clive and Hastings, were being held at the close of the eighteenth century: the bar of the world's judgment has now been set in the system of Mandates and the Permanent Mandates Commission of the League of Nations. This education

in responsibility has lingered. But it is beginning to grow; and the fact that a new sense of national responsibility is beginning to be felt and inculcated shows that nations may grow in moral stature and the sense of obligation by undertaking the solemn duty of empire. What adjustments of the general system of modern-maritime empires this new growth may involve—what better distribution of responsibility (if it be possible) among the guiding nations, and what better guarantee for securing that responsibility is faithfully shouldered and duly fulfilled—these are questions for the future, which our children, and our children's children, must solve.

### *The Growth of the British Empire*

The beginnings of the British Empire, which date, in effect, from the third decade of the seventeenth century,<sup>1</sup> are marked by a peculiarity which was to be of crucial importance for the whole of its future. The first settlements were made on the sparsely populated eastern shores of the North American continent; and those shores permitted, and indeed encouraged, the rise of a purely European community, engaged in developing, under new skies, an old European way of life. The natives were extruded from the sea-board

<sup>1</sup> An attempt was made to establish a settlement in Newfoundland, which is proud to call itself Britain's oldest colony, as long ago as 1583; and the first colonists landed in Virginia in 1585. But the continuous flow begins about 1620.

area: there was little contact with them, and that in the main unfriendly; and on a new and empty soil new colonies of agricultural settlement arose. This set a type, and afforded an example, which came to be followed, in later ages, in other areas—in Canada, for example, and in Australia and New Zealand. Colonies of European agricultural settlement thus became a feature—a peculiar feature<sup>1</sup>—of the British Empire; and these colonies, by their nature, tended to develop—either by secession from the empire, as on the North American continent after the War of American Independence, or by the development of Dominion Status within the empire, as has been the case elsewhere—into free and autonomous nations, equal in status to their mother-country. But while there has been this great and cardinal peculiarity in the British modern-maritime empire, which makes it *sui generis*, that empire has also made its settlements in populated lands, Asiatic and African; and here it has been confronted, and confronted on a great scale, by that problem of contact with native populations which has confronted other empires. Yet the British Empire remains *sui generis*—not only in the extent and dimensions, and the peculiar liberty, of its colonies of agricultural settlement, but also in the composite

<sup>1</sup> There were, however, European agricultural settlements established by the French in Quebec and the Dutch at the Cape of Good Hope. But the course of history brought both of these settlements within the scope of the British Empire.

character which unites these colonies, in one mixed structure, with colonies largely inhabited by native populations, and involving problems of biological, economic and cultural contact.

The British Empire, for nearly two centuries of its history, and until it began to acquire (during the latter half of the eighteenth century and in the course of the nineteenth) large territories in Asia and Africa inhabited by indigenous peoples, may be more readily compared to the colonial expansion of the ancient Greeks before the days of Alexander than to the imperial expansion of the ancient Romans. This is a comparison made, or implied, by Adam Smith in his chapter on Colonies in *The Wealth of Nations*, in which he remarks of the Greek colonies that "they had plenty of good land, and... were at liberty to manage their own affairs", and then proceeds to remark, in identical words, that the cause of the prosperity of English colonies in North America was "plenty of good land, and liberty to manage their own affairs their own way". The analogy between English and Greek colonial development may be carried farther. Two main causes led to the colonial expansion of the ancient Greeks. One was the need for exporting human stock to new lands in which it could find room: in a word, the need of emigration. The other was the need for exporting a surplus stock of manufactured commodities to new markets, and of importing the necessary stock of food and other materials from new sources: in a word, the

needs of commerce and industry. The same two causes also led to the colonial expansion of England from the beginning of the seventeenth century onwards.

Beginning about 1620, and growing in volume till the Civil War began in 1642—resumed, in a less volume, after the Restoration of 1660, and still flowing, if in a diminished stream, in the eighteenth century—there was an exportation of the English stock (and along with it, after the union of 1707, of the Scottish) partly and at first largely to the West Indian islands, but mainly and in its great stream to the North American continent.<sup>1</sup> The essence of the settlements made by this stock was that they were not romantic incursions of *conquistadores* in search of gold and jewels (though El Dorado was the lure of some of the early adventurers), but prosaic settlements of sober farmers and cultivators anxious to find new farms and to raise new crops for subsistence. The reason of the migration, as we shall later have reason to notice, was partly religious: many of the emigrants were Puritans or free churchmen, who sought a new country in which they could freely practise their own religious faith. But the reason was also, and largely, economic: the early

<sup>1</sup> It is curious to notice the figures of emigration from England between 1620 and 1642, as they are given in Truslow Adams' *History of New England*, on the map opposite to p. 120 of Volume I. The figure for emigration to the Bermudas and West Indies is about 40,000, of which nearly half belongs to Barbados. The figure for emigration to the continent is less than 30,000, of which nearly half belongs to Massachusetts.

emigrants came, in large measure, from the thickly populated eastern counties of England, and they were drawn from the surplus population of those counties, which had not land at home and sought new land abroad.

There are two main periods in the history of the exportation of the British stock. The second, which succeeds at an interval the period of the seventeenth century, is the period of the nineteenth. This second period belongs to the era of the Industrial Revolution and the movement of population which marked that era. At the beginning of the nineteenth century the population of Great Britain did not greatly exceed 10,000,000. At the end of that century it was 37,000,000, or nearly quadruple what it had been at the beginning. This vast increase was partly due to a high birth-rate, which lasted until about 1875, when it began to slacken; but it was due even more, and predominantly, to an increasingly low death-rate, which was due, in its turn, to a better system of public health. What was to be done with this vast increase, or, as it was called by one of the Victorian writers, "this devastating torrent of children"? The answer was largely found in a great industrial development, which provided work and subsistence at home for ever-increasing numbers. But it was also found in the export of British stock to new parts of the world. The North American colonies had been lost in 1783. But Canada had been acquired in 1763, and Canada began to be

populated, first by Loyalist refugees from the new United States, and then, during the nineteenth century, by Scottish and English colonists. The Dutch territory round the Cape of Good Hope had been acquired from the Dutch, on the payment of compensation, in the settlement of 1814; and South Africa, too, began to receive British colonists. Australia and New Zealand had been revealed by the voyages of Captain Cook between 1769 and 1777; and they, too, began to be populated. The whole movement was mainly economic, even more than the movement of the seventeenth century; but the factor of religion still lived. If Massachusetts was colonized on the basis of the religious congregation in the seventeenth century, New Zealand was partly colonized in the nineteenth on the basis of church settlements.

Connected, or at any rate parallel, with the movement of the export of stock there was also a movement of the export and import of commodities. Two examples may suffice to illustrate the operation of this factor in the development of the British maritime empire. The first is concerned with the colonies of English agricultural settlement in North America, where the movement of trade soon came to be connected with, or added to, the movement of population into agricultural settlements. Here it is the English colonists themselves who became customers as well as colonists. The second example is concerned with the English trading settlements established in India during

the course of the seventeenth century. Here there was no English colonial settlement: the movement of trade ran in a separate channel, and was not connected with a movement of population: the customers were the native population, and only that population.

In North America, after the settlement of the emigrant stock, a commercial policy was developed, during the latter half of the seventeenth century, which goes by the name of the mercantile system. The aim of this policy was two-fold: first, that the settlements should draw their supplies of manufactured goods from England, and from England only, either fetching them in their own ships or having them brought in English ships; secondly, that the settlers should send raw materials (to the production of which they were expected to confine themselves) exclusively to Great Britain, apart from some few commodities which were to be exported freely, and that they should either send them in their own or have them sent in English ships. The general effect of this system was the establishment of a close market, with no open door, and the vindication of a monopoly of the carrying trade in that close market for colonial and English ships (mainly, in fact, the latter) at the expense of the ships of other nations and especially of the Dutch. This mercantile system lasted till the final secession of the North American colonies: indeed its relics continued to survive, even after that secession, in other areas, until the system of free trade was established towards the middle of the

nineteenth century. On the whole it was not an unsuccessful system. There was indeed some friction between the colonies and Great Britain; but in the main the system suited both sides, and it did not seriously contribute to the secession of 1783, which, as we shall have reason to notice later, was mainly due to political (and not to economic) causes. It is a system which has lately been revived, in a different form, under the name of Imperial Preference. There are, indeed, fundamental differences between the mercantile system and the system of Imperial Preference. The modern system does not involve an absolutely close market: it is not accompanied by any vindication of a monopoly of the carrying trade; and the lines of the system are freely negotiated between the government of Great Britain and the governments of the self-governing Dominions, instead of being prescribed unilaterally (as the lines of the old mercantile system were) by the government and Parliament of Great Britain. But if there are differences, there are also analogies; and there is a sense in which Imperial Preference is a reversion to an ancient policy.

In India the movement of commodities was in the beginning, and for many long years, the sole cause of imperial expansion. There was no movement of population: there was purely a movement of trade; and it was only after a century and a half that considerations other than those of trade began to enter into British relations with India. As early as 1600 Queen Elizabeth

had granted a charter to a company for "trading into the East Indies". This company, originally a London company, became a century later, in 1708, the "United Company of Merchants of England trading to the East Indies"; and its charter, originally royal, became eventually (with the growth of parliamentary power) a parliamentary charter subject to review by parliament on each occasion of renewal. The original company had acquired permanent settlements in the course of the seventeenth century—a settlement at Madras about 1640; another, at Bombay, in the reign of Charles II; a third, at Calcutta, in 1690. In the eighteenth century the United Company found itself driven, in order to conduct its trade more securely, to make itself—always subject to the full and sovereign authority of Parliament—a governing authority; and in the hundred years from the battle of Plassey (1757) to its final extinction in 1858 its sway was gradually extended over the greater part of India. Government was thus added to trade, and considerations of government now overpowered considerations of trade. The more government came into the foreground, the more the British Parliament came into the foreground; the more the British Parliament was drawn into action, the more it became concerned that the British connexion with India should progressively move to a higher and higher level. Already in the days of the Company Parliament had begun to insist, as it was already insisting by the end of the eighteenth century,

that governing authority in India must be exercised as a trust for the benefit of the people of India, and it had begun to drive its insistence home by holding governing persons to a rigorous account; already in the days of the Company British opinion at large was insisting that gifts must be made to India, as well as profit made from it, and that one of the great gifts to be made was the gift of Western knowledge and Western education. The Company, overshadowed by Parliament, and unable, by the very fact of being a company, to execute its trust with an unqualified fidelity or to respond to the movement of British opinion with a direct simplicity, was inevitably de-throned. An Act "for the better government of India", passed in 1858, the year after the mutiny, established direct control by the British parliament and the British government responsible to that parliament. The movement and contact of trade had passed into a movement and contact of government and political ideas; and that contact, in turn, was passing into a general contact of cultures, moving through all Indian life, and moving to consequences of which the full scope and ultimate issue have still to be determined.

### *The Three Parts of the British Empire*

The course of the argument has shown the development of two parts or divisions of the modern-maritime empire which has grown from the island of Great

Britain. The first is the population settlements, based mainly on the exportation of stock, but also based on the export and import of commodities, which have ultimately become self-governing Dominions, with an independent position in the international system that makes them equal in status to the country of their origin. The second part is the trading settlements in India, based originally on the export and import of commodities, which have become, by the alchemy of history, an Empire of India<sup>1</sup> based on a partnership of political ideas and a general contact of culture. Both of these parts, however different in origin, are being drawn together by the contemporary movement of affairs: India moves more and more to the status of a Dominion; and though India will always remain unique in its general character, the line of political division which separates it from the Dominions is beginning to disappear.

But there remains a third part or division of the British maritime empire, beyond the Dominions and the Indian Empire. This is sometimes called the colonial, but may perhaps more fitly be called the dependent, empire. The term 'colonial' is too wide, because it assigns to a part a characteristic which is true

<sup>1</sup> By the Royal Titles Act of 1876 the British sovereign became Kaisar-i Hind (on the analogy of the title of Kaisar-i Rûm used in Constantinople), and an Indian Empire thus entered on the world's stage. In its connexion with India the British Empire thus links itself to the classical-continental tradition of empire.

of the whole: the term 'dependent', though it fails to do justice to the independence of colonies such as Ceylon and Southern Rhodesia, is generally more apposite, because it indicates the period of wardship or tutelage through which most of the territories of the dependent empire are passing on their way to the goal of full self-government. The dependent empire is a sum or aggregate of territories with different forms of legal status in international law and different degrees of constitutional right in their internal systems of public law. Some of the territories (such as Barbados) were originally population settlements: others were originally trading settlements: others, again, were acquired in the course of war or for reasons of strategy: one at least, the colony of Sierra Leone, owes its origin to reasons of pure philanthropy.<sup>1</sup> In legal form the bulk of the dependent empire was acquired by conquest or cession; and the colonies of that empire, as 'colonies by conquest or cession', were legally distinguished, as we shall have reason to notice in the next chapter, from 'colonies by settlement' such as those established during the seventeenth century in North America. The dependent empire, as it stands to-day, apart from some scattered

<sup>1</sup> The colony originated, in 1788, in the acquisition of land by purchase for the settlement of African natives who were waifs in London: it was later used for the settlement of natives rescued from the slave-trade, the suppression of which was a constant motive of British policy. The reader is here referred to the concluding words of the Epilogue.

settlements of the seventeenth century, was partly acquired in the course of the long struggle with France from the beginning of the reign of William III to the end of the reign of George III, and partly during the European occupation of Africa in the latter half of the nineteenth and the beginning of the twentieth century. It is an empire mainly inhabited by native populations: it is an empire managed in various ways which range from pure administrative control by British officials to systems of parliamentary and responsible government: it is an empire, in the main, of wardship or (as it may perhaps better be called) trusteeship, in which the economic and cultural problems arising from contact between British stock and indigenous race are profoundly important. The bulk of this dependent empire (some 80 per cent) lies in Africa: another main section lies in South-Eastern Asia; another section, which contains some of the oldest territories acquired by the British Crown, but is in area and population the smallest, lies towards the middle of the American continent, partly on the mainland (in British Guiana and British Honduras) but mainly in the West Indian islands.

If all the three parts of the British Empire—the Dominions, India and the dependent empire—are taken together, they cover an area of nearly fourteen million square miles, and a population of over five hundred millions. This is a quarter of the earth's surface, and a quarter of its population. The great

bulk of the area of the empire belongs to the Dominions: India has an area of less than two million square miles; the dependent empire (exclusive of mandated territories) has an area which is slightly larger than that of India, but is still less than two million square miles. The great bulk of the population of the empire is in India, which has now a population of 400,000,000: the dependent empire (exclusive again of mandated territories) has a population of 50,000,000: the rest, or some 70,000,000, of the population of the empire is the European stock (almost entirely British, but including the French of Canada and the Dutch of South Africa) which inhabits the Dominions and the United Kingdom.

It remains to consider separately, and in turn, each of the three parts of the empire. But before that consideration is begun, we may pause to examine the political ideas which have inspired, or rather accompanied and influenced, the growth of the empire. They are ideas which, in large measure, are common to all the parts. They are the common framework, or the common cement, of the general structure. Different elements of this stock of ideas have, it is true, influenced particularly, or even peculiarly, different parts of the empire. The idea of trust, for example, has been peculiarly operative in those colonies by conquest or cession which mainly form the dependent empire: the ideas of representative government and of the uniform rule of the common law have been particularly

operative in colonies by settlement. But the different ideas have none the less formed a common stock; and it is not only in colonies by settlement, but also in colonies by conquest and cession, that the idea of political liberty, in its parliamentary form, has been, and increasingly is, a moving and fermenting leaven.

## CHAPTER III

### THE POLITICAL IDEAS OF THE BRITISH EMPIRE

#### *The Export of Ideas*

IT is a natural or at any rate an expectable thing that colonists who have emigrated from a mother-country to settle in new lands, but remain attached to their mother-country after their emigration, should carry with them a stock of political ideas, and should preserve and even expand that stock—partly because it is in their blood; partly because it is kept intact by continuing association with the mother-country; and partly because the new conditions of colonial life demand new responses which are found most naturally in new applications of old ideas. The colonists will vindicate the rights and liberties of the mother-country as *their* rights and liberties: they will even, in the free and bracing air of colonial conditions and colonial enterprise, which engenders a progressive and experimental temper, attempt to carry those rights and liberties to a farther point and a higher reach than they have attained in the mother-country. On the other hand, and as the other side of the picture, the mother-country may seek to modify and qualify this natural tendency towards the inheritance and the expansion

by its colonists of its own political ideas and institutions. It may seek to establish in its colonies a new and peculiar regime, different from its own; and in doing so it will be forced to act by authority and power, since it will be running counter to the ideas which the colonists have carried with them and the modes of thought on which they instinctively act.

Any one, or all, of three motives may impel a mother-country to such a policy. The first is the simple motive derived from the human passion for power, which may lead a mother-country to assert the sovereignty of its own government over colonial governments. The second is the simple motive derived from the human passion for wealth, which may drive a mother-country to attempt to subordinate the economic development of its colonies to its own interests. The third is the more complex and subtle motive derived from the human passion for justice, which may command a mother-country, in dealing with colonial territories where its own colonial stock is living in contact and possible conflict with the other stocks native to those territories, to impose restrictions on its own stock in the interests of native stocks. In any of these three ways, and for any of these three motives, a tendency may arise for the mother-country to impose limits upon its colonies, and to prevent them from becoming new editions of itself, freely inheriting and freely developing its own ideas and institutions.

There are thus two tendencies—the colonial tendency to claim all the rights and liberties, or even (it may be) more than the rights and liberties, of the mother-country; the tendency of the mother-country, either for unselfish or for selfish motives or for a mixture of both, to seek to exert some tutelage—which may obviously clash with one another. It was such a clash which lost Great Britain the core and the bulk of her first empire in 1783. Here, however, we shall be concerned not with the clash of tendencies, or with the tendency towards control which led to the clash, but with the simple tendency towards exportation of English political ideas which has been the moving force in the political development of the English maritime empire.

What were the main political ideas which English colonists carried with them, from the seventeenth century onwards, as part of the natural stock-in-trade of their minds? If we follow Dicey's argument, in his classical book on *The Law of the Constitution*, we shall expect to find two main political ideas exported. One will be the idea of the rule of law, in the sense that every Englishman, be he governor or governed, is subject to the prescriptions and processes of the common law of England. Another will be the idea of representative government and of the final authority of a representative body, entitled to decide, at the very least, what taxes are to be paid by any Englishman. These will be the two ideas which we shall naturally

expect to go overseas and which we shall actually find going. But before we trace the process of their going, we must pause to make a distinction.

The distinction, which has already been noticed, or implied, is that between colonies by settlement and colonies by conquest or cession. It is a distinction already stated, though perhaps not very clearly developed, in Blackstone's *Commentaries*.<sup>1</sup> According to this distinction, as it established itself at common law, colonies acquired by conquest or cession were colonies where "the Crown possessed a free despotic power of legislation and could establish and mould a constitution at its will". Colonies acquired by settlement were in a very different position. Here "the British settlers were conceived as carrying the common law of their country with them: in such colonies the Crown could indeed create a constitution, but only one which comprised a representative body having powers of taxation: it could not legislate for it by order in council or otherwise".<sup>2</sup> It will be seen, therefore, that so far

<sup>1</sup> "Colonies...are either such where the lands are claimed by right of occupancy only, by finding them desert and uncultivated, and peopling them from the mother country; or where, when already cultivated, they have been either gained by conquest, or ceded to us by treaty. There is a difference between these two species of colonies, with respect to the laws by which they are bound." *Commentaries*, Introduction, § 4.

<sup>2</sup> The quotations are from Sir Anton Bertram's book on *The Colonial Service*, pp. 159-60. As we shall see later, the rigour of this distinction has been altered in two directions—first (by a development of the common law itself) in the direction of extending the rights of colonies by settlement to colonies

as colonies by settlement are concerned (but only so far as these colonies are concerned) our expectation of the export of two cardinal English ideas is confirmed. It was the legal doctrine of the common lawyers, and it was the actual legal practice, that the colonists of such settlements "carried the common law", and the rule of that law, with them, and again that they carried the idea, and the birthright, of "a representative body having powers of taxation". It was otherwise, we must confess, with regard to colonies by conquest or cession. The common lawyers had less comfort for them: it left them to "the free despotic power of the Crown". But if the common lawyers had little comfort for them, the lawyers on the equity side were able to provide them with their own shield and shelter. The equity idea and practice of the trust, as we shall see later, has provided, and is still providing, its own form of Magna Carta for colonies by conquest or cession, and notably for the native populations of these territories. If those who went out to colonies of this order, in order to trade or for other purposes, did not carry the law of Trust with them as part of the stock-in-trade of their minds, we may say that the lawyers on the equity side, or those who were imbued with their idea of the Trust, sent it out after them.

by conquest or cession; and secondly (by statutory modification of the common law) in the direction of limiting the rights of colonies by settlement, and enabling the Crown to act towards such colonies in the same general way as it acts towards colonies by conquest or cession.

*Society and the State in the Making of the  
British Empire*

Before we examine in detail the two ideas of the rule of law and of representative government, we may pause to consider a still larger theme, and to examine a still greater idea (an idea that is more than political, and may perhaps be called 'socio-political') which was also carried overseas by English settlers. When we began to colonize, about the year 1620, we already had the idea—the socio-political idea—that besides the English State, with its rule of law and its representative institutions, there was also English Society, English voluntary society (partly in the form of religious 'congregations', and partly in the form of economic 'companies'), which was ready and competent to act, apart from the State and on its own account, voluntarily and spontaneously, through voluntary and spontaneous associations of individuals. The voluntary principle, which was later to do so much for the development of English education, was already at work, nearly two centuries earlier, in the development of English colonization. It was English Society, voluntary society, and not the State, which founded our early colonies by settlement, and thus began the making of what we now call the Empire. Colonies by settlement were not created by the State, though they might be endorsed or ratified by it: they were founded by associations or companies, chartered indeed by the

Crown as the head and voice of the State, but formed none the less spontaneously before they were so chartered.<sup>1</sup> It is for this reason that one of our economic historians, Professor Unwin, has said, "The expansion of England in the seventeenth century was an expansion of Society, and not of the State. Society expanded to escape from the pressure of the State".<sup>2</sup>

Unwin, in this saying, was controverting the argument of Seeley's *Expansion of England*. But apart from any controversy, he was stating an indubitable and most important truth. We may particularly notice the phrase, "Society expanded to escape from the pressure of the State". We are introduced by that phrase to the great factor of religion, which played so large a part in the expansion of England in the seventeenth century, as it also continued to play a large part (through the emphasis which it led us to lay on the suppression of the slave-trade and the well-being of the natives of Africa) in the course of the nineteenth century. It was the religious motive that largely formed the social groups, associations or companies, which in the days

<sup>1</sup> So far as the writer knows, the charter power of the Crown seems in effect to have passed to parliament, at any rate so far as the greater associations or companies were concerned, when parliament acquired the effective sovereignty at the end of the seventeenth century. The first charter of the East India Company, for instance, was given by Queen Elizabeth; but in the eighteenth century it is parliament which confirms the charter, and fixes its terms, from time to time—eventually at intervals of twenty years, in 1773, 1793, 1813, 1833 and finally in 1853.

<sup>2</sup> G. Unwin, *Studies in Economic History*, p. 341.

of our Puritan forefathers sought to escape from the pressure of a State inextricably connected with a State Church into the liberty of a colony of settlement. We have always to remember the influence of the religious motive, moving and playing within the sphere of Society, in the beginnings of the British Empire. The religious motive of Puritanism, particularly active in the eastern counties of England, and in and around the town and university of Cambridge, gave rise to the New England colonies, and particularly to the colony of Massachusetts. That is why one is sometimes tempted to say that the empire started in Cambridge, where the agreement seems to have been signed, on 26 August 1629, that led to the 'great migration' to Massachusetts in 1630.<sup>1</sup> But Massachusetts and the other New England colonies were not the only examples of the influence of the religious motive, working through the religious association or congregation. The religious motive of Quakerism led to the foundation of Pennsylvania; the religious motive of toleration led to the foundation of Maryland. Even in the nineteenth century, and in distant New Zealand, that motive, animating and directing voluntary societies

<sup>1</sup> J. Truslow Adams, *The History of New England*, vol. I, p. 138. A number of Cambridge colleges were represented by ex-fellows or other old members in the early history of Massachusetts—among them Emmanuel and Trinity. But the name of John White, of Winchester and New College, Oxford, must also be remembered in the history of Massachusetts and the Massachusetts Company.

of settlers, was still active. The settlements in Canterbury and Otago, which were the centres of the development of New Zealand, were founded in connexion with the Church of England and the Church of Scotland.

But the religious motive did not stand alone as the motive leading to the formation and action of those voluntary groups which founded colonies by settlement. We are but men; and we have pockets as well as souls. There was also an economic motive behind the formation of voluntary associations. Many of these associations were also companies—companies in the modern sense of the word: commercial companies; business companies. We may cite the example of the Virginia Company, which started its life in 1606. In an appeal issued on its behalf at the end of 1609 three motives are alleged. The first is the propagation of the Gospel. The second is “transplanting the rankness and multitude of increase in our population”, or, in other words, the easing of over-population by the encouragement of emigration. The third is “the appearance and assurance of private commodity to the particular undertakers”, or, in a single word, profit.<sup>1</sup> A cynic might remark that this is a very English order—first, the benefit of God’s kingdom; then the benefit of the English stock; and then the benefit of profit. But the benefit of God’s kingdom *was* an intention, none the less.

<sup>1</sup> Quoted in H. E. Egerton, *The Origin and Growth of the British Dominions*, p. 68.

The company as an instrument of colonization and empire (of which the East India Company was, in its day, the great example) still survives: so much are we wedded to action through the voluntary society rather than, or at any rate as well as, through the organs and machinery of the State. In our days the company may be said to be wedded only to the benefit of the English stock and the benefit of profit. But if it has lost a motive which was present in the seventeenth century, it is still active; or, at any rate, it has been very recently active. The Royal Niger Company (succeeding, as it were, after an interval of two centuries, to the Royal African Company established in 1672<sup>1</sup>) began in 1886 a work which ended in the establishment of the colony of Nigeria. The British East Africa Company, incorporated in 1888, was partly responsible for the establishment of British colonies in East Africa. The Royal South Africa Company, for which Cecil Rhodes obtained a charter in 1889, has led to the settlement of the two Rhodesias, North and South. There is still a British North Borneo Company in the Far East—a chartered company (the last to be established) which is paradoxically recognized as possessing ‘independent sovereignty’ in its sphere. Great, we may justly say, is the company. Great, we may add, is this English idea—social, or socio-political, or whatever it may be

<sup>1</sup> A company had already been formed for the purpose of trade in West Africa as early as 1618. The first English settlement in West Africa was the settlement at Gambia in 1631.

called—that things may be admirably done by a voluntary company, if only the company will wear court-dress in the shape of a charter and profess itself a chartered company.

In the previous argument it has been contended that English settlers and colonists carried with them, and acted upon, the general idea that Society is a body, or a force, which can act side by side with the State, and more or less independently of the State. In this connexion the word ‘Society’ has been used in the theoretical sense in which it is often used by students of social and political theory, and as denoting the sum and the general activity of voluntary formations or associations acting on voluntary lines, in contradistinction to the organized State acting through regular and compulsory State machinery. But there is another and ordinary and practical sense in which we use the word ‘Society’ to denote the system or pyramid of social classes, and especially one of those classes, the upper class, which tends to be regarded, or to regard itself, as ‘Society’ *par excellence*. Was English society in that sense—as a system of classes, and a system marked by the superiority of an upper class—carried out and exported by colonists? On the whole, and in the main, it may be said that English society was *not* carried out, at any rate in the pyramidal form of upper, middle and lower classes in which it existed in the mother-country. It is true that there was a period, during the latter part of the seventeenth and

in the eighteenth century, in which the younger sons of the gentry (always a problem, from the days of the Crusades or earlier to our own day) and the sons of the clergy and the professional classes were the main core and chief thrust of emigration; but in the nineteenth century emigration became a mass emigration of the British working classes. It is true again that in one area, the Southern States of North America, an aristocratic society on the old English model established itself; but that society was a peculiar exception, and its peculiarity was one of the causes which led to the American Civil War between the aristocratic South and an equalitarian North more true, in its nature and its aspirations, to the general colonial trend. That general trend was towards a new society, perhaps developing its own pyramid and its own apex (on plutocratic rather than on aristocratic lines), but in any case developing itself in its own way and on its own lines. English 'society', in the ordinary and practical sense of that word, was not exported; or, if and so far as it was exported, it was exported only to be totally recast under new skies and in new conditions of life.

### *The Export of English Legal Ideas*

We must now return to consider, in some detail, the two ideas of the rule of law and of representative government which were exported along with the English stock when that stock began to go overseas three centuries ago. We may first consider the idea of

the rule of law, which in the spread of its diffusion and the penetration of its influence may be said to have gone even farther than the idea of representative government.

The English law has gone wherever Englishmen have settled. Except for local peculiarities and exceptions, such as the French law of Quebec and the Roman-Dutch law of South Africa and Ceylon, it is the general law and common cement of the empire.<sup>1</sup> (We may even say that English law not only links all the empire together: it also links the empire, even to-day, with the United States, which, if it left us in 1783, still retained, and still retains, the general system of English law.) A common set of legal ideas, interpreted in a common and uniform way by judges, is not the least of the bonds of empire; and since these legal ideas, and the legal remedies by which they are guaranteed, are largely concerned with rights and with what may be called the 'liberty of the subject'—which means the liberty of *every* subject of the Crown, wherever he may be—we may say that this common set of legal ideas is not only a cement of empire, but also a guarantee of liberty everywhere in the empire.

<sup>1</sup> It should be said that in colonies by conquest or cession the existing law of such colonies continues to prevail in the absence of special provision to the contrary. On this basis Turkish law, for example, prevails in Cyprus, and French law in a number of colonies acquired from France. But the general permeating influence of English law tends to spread everywhere. See Sir Anton Bertram, *The Colonial Service*, pp. 152-7.

If *majestas*, in the sense of the sensitive sovereignty of the Ruler, came to be characteristic of Roman law, it may be said that *libertas*, in the sense of the sensitive dignity of each free 'subject' (who is only a 'subject' by courtesy), is the characteristic of English law.

English law as a whole, and all the parts of English law, are sometimes called 'the Common Law' when we use that term in contradistinction to 'the Civil Law' of Rome. But there is another sense of the term 'common law' in which it has a narrower scope. From this point of view we speak of English law, as a whole, as consisting of three parts—the substance of the common law, which in this sense means the judge-made law deposited by the decisions and rulings of the common law judges during the last 800 years; the doctrines of equity, which are the doctrines defined and interpreted and enforced by the chancery judges during the last 500 years; and the general statutes made by Parliament, which, in its great capacity of the High Court of Parliament, also deposits and declares the law, and does so with a final and sovereign voice of the last resort which over-rides all other voices. On the basis of this distinction—but omitting from our view, for the moment, the general statutes made by Parliament, and confining ourselves to the substance of the common law and the doctrines of equity—we may enunciate two propositions which will elucidate the general operation of English law in the empire. The first is that the substance of the common

law, operating particularly in colonies by settlement, but operating everywhere in its general spirit and effect, has carried abroad the notion and the practice of the liberty of the subject. The second is that the doctrines of equity, operating particularly in colonies by conquest or cession, and in regard to the native populations of those colonies, have carried abroad the notion and the practice of the Trust.

It is the second of these propositions which we must now proceed to develop. The conception of the Trust is a part of the doctrines of equity which far transcends the domain of private life and private rights in which it originated, and has deeply affected the social and political life of whole societies and general communities. Beginning about A.D. 1400, and developed on the equity or chancery side of our legal system, it has influenced, in the course of its long growth, first British history; then the history of the British Empire; and finally, the general course of international history. It has influenced British history twice over—once on the political side, by helping to establish, from the Revolution of 1688 onwards, the idea that political power is a trust for the benefit ~~of~~ the people; and once on the social side, by enabling voluntary societies, from free churches to trade unions, to shelter themselves and their life under the cover of the Trust, and to vest their funds and other properties in trustees upon a trust that they shall be always applied to the use and benefit of their members. (Without the

sheltering conception of the Trust, the development of voluntary societies and voluntary action, upon which we have already remarked, would have been difficult if not impossible.) Again, the idea of the Trust has influenced the history of the British Empire; and this, too, it has done twice over—once, in helping to make possible those voluntary societies which, in turn, have done so much to make the growth of the empire possible; and once more, and more directly, in helping to establish the principle that political power in dependencies peopled by native populations is a trust for the benefit of such populations. Finally it has influenced the course of international history, or at any rate the history not only of our own but also of other colonial empires, by assuming, as it has done since 1919, the form of the Mandate, and by entering, in that form, on the international stage.

As there have been these three concentric rings in the general expansion of the idea of Trust, so we may also mark three chronological phases in the application of that idea to the British Empire—the one ‘ring’ in its expansion which it is relevant for us to consider here. These three phases are the phase of the Trust proper; the phase of the Mandate; and the phase of Indirect Rule.

The phase of the Trust proper, or what may be called the colonial Trust, begins in the eighteenth century. A trust in private law means that property or other rights are vested in a trustee who must hold

them strictly in trust for the benefit of the *cestui que trust*, or, in other words, of the beneficiary of the trust. By the end of the seventeenth century this private-law notion was already entering the domain of public law. After the Revolution of 1688 it came to be held in England that political power was a trust, and that the powers of King and Parliament were held by them in trust for the benefit of the people of England as the beneficiary of the trust.<sup>1</sup> By the latter half of the eighteenth century this new notion, now a notion of public law, was beginning to be applied to the colonial or dependent empire, and particularly to India.<sup>2</sup> If the East India Company has political power in India, that power has been vested in it by King and Parliament (organs which are themselves trustees in England, but are here conceived as 'trustors' or creators of a trust which makes the East India Company a trustee acting under them) to be used for the benefit of the people of India. Burke said this clearly in his speech of 1783 on Fox's East India Bill: the power of the Company

<sup>1</sup> The reader may be referred to Maitland's preface to his translation of Gierke's *Political Theories of the Middle Age*, and generally, on the conception of Trust (particularly in its influence on the development of voluntary society in England), to his article on "Trust and Corporation", reprinted in the volume of *Selected Essays* published in 1936.

<sup>2</sup> If India is here connected with the colonial or dependent empire, the writer is speaking historically. India to-day, and since the Government of India Act of 1919, has passed out of the dependent empire, and has her feet planted within the 'Dominions' part of the empire.

is a trust for the people of India. This idea of the Trust becomes a valuable limiting or governing factor in regard to all colonies or dependencies gained by conquest or cession. Even there 'the free despotic power' of the Crown must own a limit, which is the limit of the Trust. The Crown may govern directly, and not through the mediation of a trustee company: if it does, it is itself a trustee, or, it may almost be said, a 'trustor' which is also, and simultaneously, a trustee. This trust means that the Crown, and all associated with it or serving it, must not seek to make a profit (the trustee acts 'for love' in the English practice, unless the trustor has specifically assigned a remuneration), but to ensure the benefit of the people who are the *cestui que trust*. It also means, or may also mean, another thing. In private affairs and the sphere of private law the beneficiary of a trust may often be a minor. When the minor grows to manhood, the trust will determine; he will manage his own affairs and provide for his own benefit himself. The like may happen in public affairs and in the sphere of public law; and this analogy, along with the general analogy of the private trust, may thus be applied to the dependency gained by conquest or cession. Such a dependency is as it were, a minor, living under a trustee power during its minority. When it becomes adult and mature, it will enter into an equal responsibility with the ~~trustor who will relinquish his tutelage~~: it will become self-governing, and will stand by the side

of other self-governing States in a community of such States. That is how the logic of the idea of trust, in its political application, is now attaining its consummation in the government of India.

A second phase (chronologically the last, but logically so close to the phase of the Trust proper, or the colonial Trust, that it naturally falls to be considered in immediate connexion with it) is the phase of the Mandate. The Mandate came into existence as recently as 1919, in the Covenant of the League of Nations. The Mandate is the colonial Trust under a Latin name. It is a conception and a practice inspired by the conception and practice of the Trust. But there are differences, none the less, between the Trust and the Mandate. In the first place, the Trust was simply an implicit idea, not set out in a document: the Mandate is an explicit idea, formally declared. (On the other hand, it may be said that a Mandate is limited, by the very fact that it is explicit, to the particular objects specifically declared; and *per contra* that a Trust, by the very fact of being an implicit idea, involves the trustee initially in a wider range of duty, and subsequently extends its scope to a greater depth with the growth of social conscience and national sense of duty.) In the second place, it may be said that behind the colonial Trust there stood as a sanction only the conscience of the British people—so far as it was awake and operative—while behind the Mandate stands the League of Nations and its Permanent Mandates Com-

mission. (But here again there is another side; and it may also be said that the conscience of a people can be a permanently operative sanction, while the action of a composite commission of an international league may be rather a matter of official form than the expression of a genuine sense of international duty.) In the third place, the idea of the colonial Trust was peculiar to the British Empire: the idea of the Mandate has not only been applied to that empire, or rather to parts of it, but also to other colonial empires (the French, for instance, and the Belgian), or rather to parts of them.<sup>1</sup> But in spite of these differences the Mandate remains a new version of the old colonial Trust—modified by being made explicit; modified by being given an official sanction; modified by being applied to several empires (or rather to parts of several empires); but still remaining a new edition of an older work.

The third phase of the general idea of Trust is the idea and system of Indirect Rule. This is an idea and a system which means that the British administrator of dependencies should seek to govern “the people committed to his charge not directly, but through the medium of their own tribal or local authorities”. It is an idea which began in and spread from Northern

<sup>1</sup> Every reader will remember that the idea of the Mandate was applied only to those parts of the colonial empires of the victorious States which were ceded to them in 1919 by the defeated States. Whether this was logical or no is another matter.

Nigeria, about the beginning of this century, and which will remain associated with the name of Lord Lugard. It has spread to Eastern Africa, to the Malay States, and to British colonies in the Pacific. We shall see in our last chapter that the idea of Indirect Rule is associated with that general ideal of the Double Trust, or the Dual Mandate (the trust or mandate not only for the benefit of native peoples, but also for the benefit of civilized peoples generally, or in other words of humanity at large) which has already been incidentally mentioned in the previous chapter. Here it is sufficient to notice the element of the Single Trust—the Trust for the benefit of the native population—which is involved in the system of Indirect Rule. The system means that a trustee administration assumes responsibility, and applies a method, for encouraging a politically backward native population to go forward at once and to take a hand immediately in managing its own affairs. It is as if a trustee who was also a guardian took a minor into some partnership with himself in the management of the minor's concerns. It is a method which, as Lord Lugard has said, faces the problem of preparatory education: it is a method which makes ready for to-day in which a people will claim and exercise a voice in the general management of its affairs by building at once a foundation of native rule on which full representative government can ultimately be built. Indirect Rule is thus at once a manifestation, in a new form, of the old idea of Trust,

and a preparation in advance for the ultimate coming of representative government.

*The Export of the Political Idea of Representative Government*

We are thus led from legal ideas to the political idea of representation and the political system of representative institutions, culminating ultimately in the institution of responsible government. We have already seen that it was the rule, by the beginning of the seventeenth century, that a colony by settlement must have a representative body, with the power of voting the taxes paid by the settlers in such a colony. Another thing may also be noticed. Where such a representative body existed, the Crown was debarred from legislating for the colony in which it existed by orders in council, as it could do for colonies without such a body. There is a further development which must also be recorded. Even in colonies by conquest or cession, representative bodies were sometimes established, in the seventeenth century and afterwards, provided that there was some amount of English settlement; and Lord Mansfield ruled, in the eighteenth century, that where this had happened the Crown was debarred from legislating for such colonies by orders in council, as much as if they had originally been pure colonies by settlement. In one way or another, there was a considerable growth of representative bodies in English colonies during the seventeenth and

eighteenth centuries. There were representative bodies, for example, in the New England colonies—democratic bodies, with memories of the *Mayflower* and of the social contract made by those who sailed in the *Mayflower* in 1620: bodies resting on a wider suffrage than the English House of Commons. In the Southern States of North America there were also representative assemblies: there was one, for instance, in Virginia, from 1619 onwards, in which there sat two burgesses from every town, hundred, or other plantation, chosen by the inhabitants: there were representative assemblies also in the Carolinas, which according to the Fundamental Constitutions drafted by the philosopher Locke were to be biennial, with a suffrage depending on the possession of 50 acres of freehold land. The West Indian islands, too, had their own representative bodies—some of which showed a sturdy and even jaunty independence—from the early part of the seventeenth century onwards.

A doctrine even arose, at a later date, that where representative bodies existed not only was the Crown debarred from legislating by orders in council, but Parliament also—the British Parliament—was equally debarred from legislating by Acts of Parliament. This was an extreme opinion,<sup>1</sup> expressed only in Boston, in

<sup>1</sup> On the other hand it may be said to be a good opinion, or at any rate an opinion based on actual practice, that the British Parliament was debarred, or debarred itself, from imposing taxes and passing finance acts, in respect of colonies which possessed representative assemblies, otherwise than in

the years immediately preceding the Declaration of Independence in 1776; and the idea on which it was based was not a political idea which was ever valid in theory or ever followed in action. Yet the fact that it could be expressed by John Adams and his friends shows how strong was the position of representative bodies in the American colonies by settlement. On the other hand, and tending in the opposite direction, there is another fact to be mentioned. These representative bodies might vote taxes, and even laws: they might claim, with much justice, that they exercised an acknowledged monopoly of voting internal taxes, and with much less justice, or no justice at all, that they had a monopoly of voting laws which had an internal effect; but there was one thing which they could not do. They could not, and did not—for the first two centuries of the history of colonies, and until the institution of Cabinet government in Canada in 1840—control the executive government, or vindicate the responsibility of that government to their opinion and their wishes. The executive government in colonies by settlement, as in other colonies, was nominated and controlled by the British Government. There was thus a juxtaposition of representative institutions controlled by the colonists and executive government

the course of general regulation of imperial trade under the mercantile system. This opinion, however, and the practice on which it was based, began to be challenged in England with the passing of the Stamp Act of 1765.

controlled by the Crown and its ministers in Great Britain. In other words, the presence of representative institutions was joined with the absence of responsible government.

This was one of the great causes of trouble—perhaps the fundamental cause—which led to the final secession of 1783. The colonists had a tolerably firm hold of one half of political liberty, but not of the other half; and as they did not believe that a half of liberty was sufficient, they took the whole by the one method which then seemed open to them—the method of secession and absolute independence. Curiously enough, in the act of seceding, they continued to keep the division between the representative body and the executive government which had characterized the old colonial system. They kept their congress, or representative body, distinct and separate from their executive, in the person of the President. This is the origin of the division of powers between the legislative and executive branches in the government of the United States. The United States, when they framed their constitution in 1787, did not adopt the British cabinet system, which unites the executive and the legislative branches by making the former responsible to the latter, and thus adds the coping-stone of responsible government to the structure of representative institutions. They did not adopt the British cabinet system, because they did not really know it: it was a new development which had not generally

penetrated into men's minds in the latter half of the eighteenth century. If the American colonists had really known it and firmly claimed it in the beginning of the reign of George III, and if the British government had really understood it and been wise enough to concede it, there need never have been an American Revolution or an American secession. The pity was that something had grown up in England since the American colonists went out—something they did not carry with them; something in the nature of a new political idea—which their descendants did not understand enough to claim, and which the British themselves did not understand enough to give.

All the more important was it, for the preservation of the unity of the 'second empire', that by 1840 the British understood enough of responsible government and the cabinet system, and realized sufficiently the need for it in colonies by settlement, to be able and ready to give it to such colonies. Yet in the early nineteenth century it seemed doubtful whether we should be ready to give it, and indeed whether representative institutions themselves (to say nothing of the further right of responsible government) would continue to be maintained. There was, for the moment, a backward movement of the British spirit. As late as 1832, a Secretary of State is said to have declared that to allow a popular assembly in the colony of South Australia would be "to create within the British monarchy a government purely republican". It is

little wonder that William IV should simultaneously be found declaring that he could never allow, in Canada or any other colony, any approach to responsible government, or any change from the method by which colonial governments were appointed by the Crown and its ministers in London.<sup>1</sup> But the Reform Bill of 1832 altered the spirit of Great Britain; and how great the alteration was is shown by the fact that in less than ten years after the two declarations just mentioned Lord Durham's report of 1839 had been accepted, and responsible government had begun its course in Canada. The die had been cast; and in the new frame of the British spirit the various growing States of Australia rapidly acquired not only representative institutions but also responsible government. An Act of 1850 gave the Australian colonies, in effect, the power to settle for themselves the form of their constitutions; and by 1855 the system of responsible government, already established in Canada, had been also established in Australia and New Zealand.

The system of the self-governing Dominion had thus been virtually instituted (though, as we shall see in the next chapter, there were to be further and larger steps in its future development): the old seventeenth-century notion, that colonies by settlement must have representative institutions, had triumphed in Aus-

<sup>1</sup> H. E. Egerton, *Origin and Growth of the British Dominions*, p. 164.

tralia, after seeming, for a moment, to be in danger; and both in Australia and in Canada that notion had added to itself the further notion that representative bodies must control the executive government, or, in other words, that responsible government was the necessary corollary to representative institutions. At the same time it is only just to remember that concurrently with this development during the years between 1839 and 1855, or a little posterior to it, there was also another development which seems to run—but only seems to run—in the opposite direction. More exactly, there were two developments in the government of the empire, or rather of parts of the empire, which appeared to be adverse to representative institutions and responsible government. In the first place, the old common-law doctrine that British settlers have the right to representative institutions—a good doctrine in itself, but a doctrine which leads to difficulties when the settlers have made their homes among a large native population without rights of representation but with large claims to consideration—has been altered by Act of Parliament. By a number of Acts passed between 1843 and 1887 the Crown in Council has been armed with power to legislate for such settlements, and to fix their constitutions freely, without restriction by the old common-law doctrine or the extension of that doctrine enunciated by Lord Mansfield. It is by virtue of such acts that the settlers in Kenya, for example, have no longer the

right to enjoy representative institutions by virtue of common law, and are amenable to a central control inspired by regard for the interests of the native population. In the second place, from the year 1865 onwards, a number of West Indian islands<sup>1</sup> which had enjoyed representative institutions by virtue of common law surrendered their right, which they found it in practice difficult to exercise without incurring financial danger and even disaster; and the King in Council has set up new forms of constitution, under which the Governor, appointed by the British Government, controls, by a system of *ex officio* and nominated members, the votes of a majority in the legislative body. This is the opposite of responsible government: the government, instead of being controlled by the legislature, itself controls the legislature. But it was a method which was introduced at the request, and in the interest, of the colonies concerned; and it is a method which, under the name of Crown Colony Government, has spread from them over most of the dependent empire, as the method best calculated to promote the welfare of its several parts. The method is one which generally retains—but in retaining also

<sup>1</sup> In 1933 Newfoundland itself, 'the oldest colony', faced by financial danger, asked (after the report of a Royal Commission consisting of members drawn from Newfoundland itself, and from Canada and Great Britain) for the suspension of its constitution and the appointment of a commission of government. Here a colony which had enjoyed responsible government, as well as representative institutions, has voluntarily relinquished both.

qualifies, in the interest of general well-being—the practice of representative institutions.

In both of these ways—by the general legislation from 1843 to 1887 in regard to colonies by settlement, and by the surrender of their rights on the part of several old colonies by settlement since 1865—the power of the Crown in Council, always operative in regard to colonies by conquest or cession, has been extended to colonies by settlement. The paradoxical result thus seems to emerge that the reign of Queen Victoria was marked by two opposite tendencies: first, the tendency to extend representative institutions, accompanied by responsible government, over a number of the greater colonies by settlement (in Canada, Australia and New Zealand); and secondly, the tendency to extend Crown Colony Government, which qualifies representative institutions and is the opposite of responsible government, to several new, and even to some of the older, colonies by settlement—to say nothing of the old and traditional operation of that method in colonies by conquest or cession, which grew with the growth of the empire during the reign of Victoria. The paradox disappears when we reflect that there are many mansions in the house of liberty, and that in different conditions the sovereign aim of liberty must be pursued in different ways. In particular, we have to remember that the liberty of British settlers is not the only liberty. There is also the liberty of native populations.

*The Idea of Imperial Federation*

There is one idea which has not gone out with colonists of the British stock, because it did not exist in Great Britain, and which, for reasons easily understood, has not been developed by them in the new countries of their settlement, or sent back by them to Great Britain. This is the idea of a federal empire, or imperial federation, with a super-parliament and a super-government standing above the parliament and the government of each of its several parts.

Federation has, of course, been an operative principle in the empire. But it has operated only to draw together contiguous self-governing colonies in a given region into a closer system; it has not operated to draw together all self-governing colonies everywhere, along with the mother-country, into a single unit. Regional federalism sprang to life in Canada in 1867; in Australia in 1900; in South Africa (where, however, the Union is really a union rather than a federation) in 1910; and in India (where, however, it has still to be brought into operation) under the terms of the Government of India Act of 1935. But such regional federations differ entirely from imperial federation. That would mean a new federation, enthroned above the existing regional federations or unions, and equally enthroned above the existing unitary States of the United Kingdom, Eire and New Zealand; it would

mean a new imperial parliament, over and above each and all of the existing parliaments.

The idea is old: it was current, in the latter half of the eighteenth century, on both sides of the Atlantic; it was expounded by Adam Smith at the close of his *Wealth of Nations*. But it is the one political idea in the British Empire which has never fructified, and is never likely to fructify. Geography is an obvious obstacle: "*opposituit natura*", Burke said, in speaking of the idea in 1775, "I cannot remove the eternal barriers of the creation". But there is a greater obstacle than geography. Aviation and wireless telegraphy have altered, if they have not removed, what seemed to the eye of Burke to be 'eternal barriers'; they cannot alter the real barriers to imperial federation, which are barriers set, not by nature or by communications, but by men's minds. The fundamental obstacle is the ingrained idea of each self-governing State of the empire—of each Dominion equally with the United Kingdom, and of the United Kingdom equally with each Dominion—that its own parliament is its own last word and final expression. An imperial parliament would not be a step on the road to liberty; and that is why the political genius of our stock, in all its varieties—Canadian, South African, Australian, and wherever else it lives and whatever other names it bears—has refused to take the step. There is one political idea which has been from the first, and will be to the last, the fundamental political idea in British colonies by settlement,

as it is also the fundamental political idea in Great Britain. This is the idea of the community's right to settle its own affairs by its own chosen representatives, and to settle them finally and conclusively, in the last resort, by the exercise of that power of sovereignty which may best be defined as 'the power of the last resort'. This was an idea contained in the germ in the old common-law doctrine: it is an idea which has come to full fruit in the Statute of Westminster of 1931, which gives final legal sanction to the conception of the equality in independence, under their own representative parliaments, of the self-governing parts or Dominions of the empire.

The one merit of the British nation, after long process of trial and error—that tentative method of gradual experimentation which is rooted and grounded in its national temper—is that it has recognized its children as also nations themselves, equal to itself in status, with the fullest and most plenary right of national self-determination. But this was inherent, all along, both in that process of the free expansion of English society overseas, of which we have spoken, and in the common-law doctrine that colonists by settlement carried the common law of their country with them, and, along with it and as part of it, the right to a representative body having powers of taxation. The free expansion of English society overseas could create new nations of no less quality than the old: the growth of the common-law doctrine could issue, when

it was ripe, in national self-government by a nationally elected parliament through a government responsible, and solely responsible, to that parliament.

That is where we now stand, so far as the society of the Dominions and Great Britain is concerned. It is a society likely to embrace within its scope, as the stream of time rolls on, not only India, but also parts of the 'dependent' empire. (Ceylon and Southern Rhodesia are already beginning, as we shall see, to enter the society; and they will not stand alone.) It is a curious position, not explicable in terms of current political theory and ordinary constitutional lore. The society of the free States of the British Empire is not a State; for it is not a single—on the contrary it is a multiple—political organization, with no legal scheme of unity, federal or otherwise.<sup>1</sup> But it is not *not* a State; for it can feel, believe and even act as one. It remains, at bottom, something beyond and above politics. But what a good thing it is that there should be something of that sort in the world—especially in these days!

<sup>1</sup> And yet it may perhaps be urged that there is a body of conventions or understandings (especially those which were stated and defined in the Report of the Imperial Conference of 1926) which *does* constitute something of a legal scheme of unity. See below, pp. 97, 107–8.

## CHAPTER IV

### THE COMMONWEALTH AND DOMINION STATUS

#### *The Four Stages of the General Development of the Dominions*

THE history of the Dominions, or population settlements, shows four main stages. The first stage, which may also be called the stage of the first empire, is mainly concerned with the North American colonies which are now the United States of America. In that stage, as we have seen, Great Britain followed the line of leaving the colonies free to develop their own representative bodies; but she kept the executive government in the hands of Governors appointed by and responsible to the British Government. This was a system which failed to work: it was the *causa causans* of the revolt of 1776 and the eventual secession of 1783, which were thus due not to any oppression of colonial trade and industry by the assertion of British economic control, but to the stunting of colonial autonomy by the vindication of British political sovereignty. The second stage, which may also be called the stage of the foundation of the second empire, begins, after half a century of lull and quiescence, with the beginning of the reign of Queen Victoria in 1837, and may be said to cover the thirty years between her accession and the passing of the British North America

Act in 1867. It is a stage in which Great Britain recognized that population settlements must not only have their own representative bodies, but must also control through those bodies their own executive governments. It is thus a stage which is marked by the institution of responsible government in the main population settlements; and it shows that the lesson of the loss of the North American colonies had at last been fully learned.

The third stage, which is the stage of what we have called 'regional federation', began in 1867 and lasted till 1909. During this stage the population settlements in each of the three main centres or regions—Canada, Australia and South Africa—formed federations or unions, and in the act of forming such federations or unions constructed federal or quasi-federal constitutions, which were formally enacted by the British Parliament as great constitutional documents analogous to the federal constitution framed by the U.S.A. in 1787. Canada became a federal State by the British North America Act of 1867; Australia became a similar State, under the title of a Commonwealth, by an Act of 1900; South Africa became a Union, in which four colonies were merged, by an Act of 1909. With regional federation or union completed, the fourth stage soon began. It is a stage which may be dated from 1917, and which is still developing its consequences. The great and general feature of this stage is the attainment of full Dominion status. The Dominions, as they now come to be generally styled,

by an extension of the title applied to Canada in the Act of 1867, become fully sovereign States, not only handling their own internal affairs by their own parliaments and cabinets under their own constitutions (a position already gained in the course of the second and third stages), but also conducting their own external affairs and thus acquiring the status of independent States in the international system. Already free and sovereign in regard to the United Kingdom, except for some forms and relics of the past, they become equally free and sovereign in regard to other States. But they still remain a society, and they still continue to be associated both with one another and with the United Kingdom. Their governments conduct external affairs independently; but each conducts such affairs in consultation and co-operation with the governments of other Dominions, and more especially, in view of its central position and its special responsibilities, with the British Government. Nor is the society only a society of consultation and co-operation. It is also "united by a common allegiance to the Crown", and it possesses, in the person of the King, a "symbol of the free association" of its members.

*The Growth of Dominion Status in the Period from  
1917 to 1926*

The phase of Dominion status began effectively in the year 1917, in the course of war and (we may almost say) as one of the effects of war. (War, with all its

miseries, is often an innovator and, as Thucydides wrote, "a forcible schoolmaster" in the movement of human affairs.) But we may first look back, for a moment, to the lull which preceded the war of 1914–1918. The Dominions, at the beginning of the twentieth century, were just passing out of the expanding and changing 'frontier' period in which they had been hitherto engaged. They had been busy in peopling their area with an immigrant stock; they had been busy in constructing an economy for their area; and they were now beginning to settle into a routine of internal life and development. The coming and going both of the human stock and of the stock of commodities between Great Britain and the Dominions was ceasing to be so large. In the matter of the human stock, emigration was ebbing. The cause of the ebb was partly that the British population was tending to become stationary, and apart from that—owing to the growth of new social services and new amenities of life—did not so greatly need, or at any rate desire, to emigrate: it was also, in part, that the Dominions did not so greatly need or desire to receive new immigrants, occupied as they were with the problems of their population, and anxious as they were to develop their own settled stock along its own national lines. In the matter of the stock of commodities something similar was happening. Great Britain, by 1850, was launched on the pursuit of a policy of free trade. The Dominions were soon equally launched on a different

policy of the protective development of their own internal economy. They sought to provide their own stock of commodities from their own resources and by their own means. Canada, for example, was no sooner furnished with her own constitution by the Act of 1867 than she proceeded to develop her own independent economy. "From that [the Act of 1867] we went on in 1871", as the Canadian Prime Minister said in a speech in 1918, "to representation in negotiating our commercial treaties; in 1878 to complete fiscal autonomy; and after that to complete fiscal control and the negotiation of our own treaties."<sup>1</sup>

Engaged with the problems of their own human stock and their own stock of commodities, the Dominions had not as yet greatly thought about, nor had Great Britain, on her side, as yet greatly concerned herself with, the problem of mutual and common relations in regard to the external world: the problem, in other words, of the position of the society of the Dominions and Great Britain, and of the various members of that society, in the general international system of States. There was indeed some idea of Imperial Federation in the air; and there were those who were urging that the whole society should become a single Federal State, with a new federal parliament, a new federal cabinet, and a new federal power of imposing federal taxes on all the members of the Federal State for

<sup>1</sup> Sir Robert Borden's speech to the Empire Parliamentary Association in London, in June 1918.

the purposes of a common federal system of foreign policy and a common federal scheme of defence.

The war of 1914 came to test that idea. At first it projected itself in the form of a definite plan. In 1915 Mr Lionel Curtis published a work on *The Problem of the Commonwealth*, with a fully articulated draft of an imperial Federal State and a plea for the summoning of an imperial convention to frame a constitution for such a State. Two years later, in 1917, it began to be apparent that in the minds of Dominion statesmen something different, and indeed of an almost opposite character, was beginning to clarify itself. No federation; complete Dominion autonomy, external as well as internal; but consultation and co-operation between the autonomous Dominions and the autonomous United Kingdom on the basis of a status of equality—this was the different, and almost contrary, idea which now began to appear. It was, in a word, the idea of Dominion status: an idea entertained by Sir Robert Borden of Canada (and his friend and adviser John Dafoe, a Canadian editor), who was in London in 1917, and by General Smuts of South Africa, who was also in London in the same year as a member of the Imperial War Cabinet. The idea was expressed in a statement issued by an Imperial War Conference (imperial conferences had begun, between the self-governing Dominions and the United Kingdom, in the year of Queen Victoria's jubilee, 1887, and had assembled regularly at intervals of four years or so

afterwards), which met in the course of the year. "Any adjustment of constitutional relations...should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same; should recognize the right of the Dominions and India to an adequate voice in foreign policy; and should provide effective arrangements for continuous consultation...and for such necessary concerted action, founded on consultation, as the several governments determine."

A great issue was decided, or at any rate prejudged, in this statement; and the course of imperial history from 1917 to the crucial Imperial Conference of 1926 (and beyond that to the Statute of Westminster of 1931, and indeed to the present day) has run along the lines here traced. In accordance with the spirit of the statement, the Dominions were represented in their own right at the Peace Conference of 1919: ministers of the Dominions signed the Treaty of Versailles, each on behalf of his Dominion: the Dominions, as signatories of the Treaty, became original members of the League of Nations, and some of them were even invested with mandates and the government of mandated territories under the system of the League. All this was a revolution, achieved by way of fact; but it was a revolution of which the results called for clarification and definition. The clarification and definition did not come until the Imperial Conference of

1926 had met and deliberated; but meanwhile a number of events had made it increasingly imperative. These events proceeded partly from the Irish Free State, partly from Canada, and partly from South Africa.

The Irish Free State, by a constitution which was framed in its Dail, acting as a constitutional convention, and formally confirmed by an Act of the British Parliament, obtained Dominion status in the course of 1922, and was described, in that constitution, as "a co-equal member of the Community of Nations forming the British Commonwealth of Nations". A principle of equality had here been asserted in regard to one, and that a new, Dominion, in one particular Act. Some general assertion and definition of equality was thereby entailed. It was the more entailed because the Irish Free State, in the course of 1924, proceeded to give effect to its status of equality by establishing its own legation at Washington.

Canada had received the consent of the British Government to the appointment of a Canadian minister at Washington as early as 1920; but the minister was not actually appointed until 1926. In 1922, however, Canada proceeded to negotiate by herself, and to sign for herself, without the participation of the British Government, a treaty with the United States in regard to halibut fisheries. This direct action was another call for clarification and definition of Dominion status. For the moment, the problem raised was solved by an agreement, attained in the Imperial Conference of

1923, that a Dominion might directly negotiate a treaty or agreement with a foreign State, provided that, if such treaty or agreement seemed likely to affect the interests of any other member of the Commonwealth, that member should be informed of the negotiations before they began.<sup>1</sup> But a new and still more important issue was raised in Canada in 1926. The Canadian Prime Minister, Mr Mackenzie King, became engaged in a dispute with the Canadian Governor-General (the representative and lieutenant of the King) who, after consulting the British Government, had refused to agree to his dissolving the Canadian Parliament, and had then proceeded, upon his resignation of office, to agree that his rival and successor should do what he had not been himself allowed to do. This was a matter which raised the whole issue of the position of Governors-General in the Dominions, and of the relation in which they stood on the one hand to the Dominion Government and on the other hand to the British.

If Canada had raised particular questions, South Africa, after 1924, was ready to raise the general question of the whole nature of Dominion status. The Dutch settlers were as five to the British three in the Union of South Africa; and a tradition of republicanism

<sup>1</sup> At the Imperial Conference of 1926 this agreement was amended and improved by new provisions: first, that all other Dominions (and not only those likely to be affected) should be informed; and secondly, that when informed they were to notify their attitude promptly.

still flourished among them from the days of the Transvaal Republic and the Orange River Free State. General Hertzog, the champion of the Dutch tradition, had ousted General Smuts from the office of Prime Minister in 1924. He was resolved to make it clear whether the new and still undefined idea of Dominion status was a phrase, or had real substance; whether South Africa was really free from British control internally and equal to Great Britain externally; whether she could go her own way and *fare di se* within the Commonwealth, and whether she could face foreign States outside it in a sovereign capacity. With these questions in his mind he came to the Imperial Conference of 1926, where Mr Mackenzie King, once more Prime Minister of Canada (for his rival and successor in office had been defeated upon dissolving the Canadian Parliament), had also his questions to ask.

But before we come to the Conference of 1926, we have to notice that the British Government had itself accumulated a number of problems by its action in recent years. Mr Lloyd George had disturbed the Dominions in 1922, when, anxious to aid the Greeks in their struggle with the Turks, he had telegraphed to the Dominions asking for their support, and somehow, in some of the Dominions, his telegram had appeared in the Press before it had been seen by Dominion Ministers. His policy failed, and he fell from power; but it seemed as if he had been seeking to hustle the Dominions into support of the foreign

policy of the British Government, and he engendered some rancour. Other difficulties afterwards arose under his successors in regard to the bearing of British foreign policy on the Dominions: it is both an illustration of these difficulties, and a proof of the lesson which the British Government had already learned, that when Great Britain guaranteed the Franco-German frontier by the Locarno Treaty of 1925, a clause was inserted to the effect that the Treaty imposed no obligation on any of the Dominions unless they accepted such obligation—as none of them actually did.

All these difficulties—the difficulties raised by the Irish Free State, Canada and South Africa, and the difficulty raised by the conduct of British foreign policy—combined to intensify that need for clarification and definition which had already been created by the war of 1914–1918 and its immediate sequel. The Imperial Conference of 1926, or rather the Balfour Committee of that Conference, attempted to satisfy the need. It produced a definition of the nature of the new society<sup>1</sup> which had emerged. The members of that society are “autonomous communities within the British Empire, equal in status, in no way subordinate

<sup>1</sup> The society mentioned in this and in previous passages is the society of the Dominions and the United Kingdom. India, not yet a Dominion, is neither included nor excluded; in 1917, as we have seen, it is mentioned, in a statement of the Conference of that year, along with the Dominions; in 1926 it does not specifically appear. The dependent empire is not included in the society; and yet some of its parts are so closely linked to it that they can hardly be said to be excluded.

to one another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations".

Three observations or notes may be appended to this definition. The first observation is that the terms 'British Empire' and 'British Commonwealth of Nations' are both used in one passage. Are they the same, or do they denote two different things? It is difficult to say. On one interpretation the British Empire may be held to be the whole, and the British Commonwealth of Nations to be that part of the whole which constitutes a society of free nations within the whole. On another interpretation the terms may be held to be identical; and in favour of this interpretation may be cited the statement of the Conference of 1917, which refers to 'an'—not, as in 1926, 'the'—'imperial Commonwealth', and includes India as 'an important portion of the same'. But even to-day the use of terms is still fluid and uncertain.<sup>1</sup> The second observation relates to the three words 'equal in status'. The equality which marks the members of the society is here defined as the particular equality of status. But besides status, or the position in which one stands, there is also

<sup>1</sup> It adds to the confusion that the federal State of Australia is a 'Commonwealth'. No term in the English language is more uncertain. In the sixteenth century (for instance in Hooker) it signified the State. In the seventeenth century, for a brief period, it signified a republican State. In the twentieth century its signification varies from writer to writer.

experts. The result of this preparation was the Statute of Westminster of 1931. This was a statute passed by the British Parliament after each of the Dominion Parliaments had requested it by resolution to pass such a statute. It was thus of the nature of an agreed imperial statute.

The general effect of the Statute was to make each Dominion Parliament formally and legally the supreme authority for each Dominion, both for internal and external purposes, and thus to make them all equal, in their spheres, to the British Parliament in its sphere. The general ideas involved in the Statute may be said to be three. The first was that of the plenary sovereignty of each Dominion Parliament. The second idea, which may be called a negative corollary of the first, was that of disabling the British Parliament from legislating for any Dominion unless the Parliament of that Dominion had asked for and consented to seek legislation. The third idea, which was a positive corollary of the first, was that of enabling each and every Dominion Parliament to join with the British Parliament in any legislation affecting the succession to the throne, since that was and is a matter concerning the ~~Dominion~~ Parliaments in their spheres as well as the British Parliament in its sphere.

This last idea demands further consideration. The positive corollary which it adds is not contained in the Statute itself: it is contained in the preamble to the Statute, which, like all preambles, is not an operative

clause of the Statute, but a persuasive preface to the operative clauses. The preamble runs as follows: "Whereas it is meet and proper to set out by way of preamble...that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members in relation to one another that any alteration in the law touching the succession...shall...require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom." There the preamble, or statement of 'whereas', ends. There is no corresponding operative clause in the Statute. We may further note that the words describing the Crown as a symbol of free association, and declaring the unity of the Commonwealth in a common allegiance to it, are an 'inasmuch' inside a 'whereas'. We may also note that these words are a recital, or repetition, of a clause in a draft which was framed by the conference of experts in 1929, and that the members of the conference, in submitting the clause, stipulated that it should not be understood as in any way derogatory from the principles stated in 1926 in regard to the position and mutual relations of the members of the Commonwealth. The effect of this stipulation was that the clause about the Crown should be read in connexion with, and subject to, the declaration of 1926 that the members

of the Commonwealth were severally autonomous communities, in no way subordinate to one another. This may warn us in advance of the danger of pressing too far the conception of the Crown—the conception of the *unity* of the Crown, or of common allegiance to a *single* Crown—when we are seeking to discover the essence of the new system of the Commonwealth.

### *The Abdication of Edward VIII in 1936*

The next main land-mark in the history of Dominion status was the passage of events connected with the abdication of Edward VIII. But difficulties had already arisen in the interval between 1931 and 1936. The difficulties arose in the Irish Free State and the Union of South Africa. In the Irish Free State Mr de Valera had come into power in 1932; and by 1933 he had carried an Act deleting the oath of allegiance to the Crown required by the Constitution framed by the Dail in 1922. He then proceeded (in addition to passing an Act for the prevention of any appeals from Eire to the final imperial court of the Judicial Committee of the Privy Council) so to circumscribe the office of the Governor-General, the representative of the Crown, that it became practically nugatory. It was mainly a matter of form, though also a matter of substance, that the Irish Free State had also obtained its own Great Seal in the course of 1932, and had thus dispensed with the formal concurrence of the British

Government in the conclusion of treaties. Meanwhile the Union of South Africa, instead of formally accepting the Statute of Westminster, preferred to enact in 1934 an Act of its own, under the name of the Status of Union Act, by which the main provisions of the Statute were repeated and emphasized. In the preamble of that Act South Africa was termed a sovereign independent State; in one of its clauses it was enacted that any reference to the King should be deemed to be a reference to "the King acting on the advice of his Ministers of State for the Union". By a simultaneous Act (the Royal Executive Functions and Seals Act) the Union also obtained its own Great Seal and its own Signet.

When a crisis arose at the end of 1936, and the Crown for the moment went into a sort of liquidation, there were naturally oscillations. The abdication of Edward VIII involved "an alteration in the law touching the succession to the throne". The Dominion Parliaments were all consulted in accordance with the preamble of the Statute of Westminster: the Parliaments of Canada, Australia and New Zealand all agreed to the passing of the British Declaration of Abdication Act on 11 December. South Africa acted separately, under its own Status of Union Act, and passed a separate Act on 10 December: the Irish Free State also acted separately, and passed a separate Act on 12 December. George VI accordingly succeeded to the throne on three different dates in three different

parts of the Commonwealth. This was not all. Mr de Valera used the opportunity of the crisis to do two other things. By a Constitution Amendment Act, amending the Constitution of 1922, he removed the Crown from the internal affairs of the Irish Free State, by abolishing the office of Governor-General.<sup>1</sup> By an Executive Authority (External Relations) Act, he laid it down that so long as the Irish Free State is associated with other Dominions, and so long as the King recognized by those other Dominions as the symbol of their co-operation continues to act on their behalf, by the advice of their Governments, in appointing diplomatic representatives and concluding international agreements, he may act in the same way for the Irish Free State on the advice of its Government.<sup>2</sup> The question may be raised whether Ireland, which has now its own President under its new constitution of 1937, is not really a Republic, which uses the British King only for temporary purposes of convenience in

<sup>1</sup> This Act, in 1937, was merged into the new constitution (supplanting the Constitution of 1922) which was approved by plebiscite in July and came into operation in December. The new constitution, unlike that of 1922, was in no way formally confirmed or validated by any action of the British Parliament: "We the people of Eire", its opening words run, "do hereby adopt, enact, and give to ourselves this constitution". It is the first constitution of any part of the Commonwealth so enacted in form.

<sup>2</sup> This Act is not incorporated in the Constitution of 1937, but remains in the nature of a legal (rather than a constitutional) enactment, which forms a rider or appendix to the constitution subsequently enacted.

formal external business. The further question may also be raised whether, if that be the case, a Republic is really part of a Commonwealth "united by a common allegiance to the Crown . . .". But there are some questions which it is wise not to raise, or, if they are raised, to answer.

*The Present Position of Dominion Status in Regard  
to the Several Dominions*

The Dominions to-day are sovereign States. As such they appoint their own ministers to other States; as such they belong to the League of Nations on a level with other States. Having become sovereign States, they are independent of the British cabinet—except in so far as they choose to consult it, and to co-operate with it in action: they are independent of the British Parliament—except in so far as they choose to co-operate with it in legislation: they are independent of British courts of law—except in so far as they choose still to allow cases to be carried on appeal to the Judicial Committee of the Privy Council. What, then, is the link which remains—the formal and legal link, over and above those links of sentiment, and again of interest, which, though they may be valuable, and even binding, are not links of law? The answer which naturally occurs to the mind is, "the link of a common allegiance to a single Crown". The cabinets (it may be contended) stand side by side: the Parliaments stand side by side: the courts stand side by side—but

there is *one* King who unites them all; and he is the legal link.

There is, however, a danger in emphasizing the unity of the Crown, and in holding that the unity of the Commonwealth depends upon that unity. We must put our faith in reality (the reality of a will to co-operation), and not in a legal doctrine—especially when that doctrine is possibly dubious, and certainly challenged. There *is* a unity of the Crown; but there is also a divisibility, or at any rate a *de facto* division, of the Crown. There is a sense in which there are six Crowns (one for Great Britain, and one for each of the five Dominions) as well as the one imperial Crown—if indeed there be a single imperial Crown. The succession to the Crown, as distinct from the powers belonging to the Crown, should indeed be unitary, under the terms of the preamble to the Statute of Westminster; but we have already seen, in considering the events at the end of 1936, that a species of divisibility may attach even to the succession. The powers belonging to the Crown would certainly appear to be divisible, or at any rate divided: the Crown is bound to act on different advices in the different Dominions, and since these advices may be divided as well as different, the Crown (it would appear), in its action if not in its being, may also be divided. It follows on this position of the Crown that the Governors-General of the Dominions, as representatives of the Crown, are separate and divided Governors-General: each of

them acts entirely, and solely, on the advice of the Dominion Government concerned; and none of them can receive instructions from, or (except in New Zealand, where the Governor-General still follows the old pattern) even communicate with, the British Government.<sup>1</sup> Accordingly the British Government, if it desires to communicate with a Dominion, must communicate with its government either by cable or letter, or through its own High Commissioner appointed to act as its representative in the Dominion. Just as the British Government has appointed its High Commissioners in the Dominions, so (but from a still earlier date) the Dominion Governments have appointed their High Commissioners to act on their behalf in London. On both sides they are of the nature of diplomatic representatives or ambassadors. There is thus an internal system of embassies and ambassadors within the Commonwealth.

If it may be said that, in a sense, there are six Crowns, it may certainly be said that in every sense there are six co-equal and sister Parliaments. Except for some technical relics of its past, the British Parliament is one of six equal Parliaments—equal, at any rate, in status, though in function, as we have already had reason to notice, the British Parliament, and the

<sup>1</sup> Holding this new position, Governors-General are appointed by the Crown on the advice of the Dominion Governments concerned; and Dominion Governments may recommend, and have recommended, natives of the Dominions for appointment.

cabinet responsible to it, may carry a greater burden of obligation for the general maintenance of good foreign relations and the general provision of a system of defence to ensure their maintenance. An academic question may, indeed, be raised, whether the British Parliament, which passed the Statute of Westminster and formally enacted the system of Dominion status, could not equally, in virtue of the same power, abrogate the Statute and abolish the system, resuming power to legislate for the Dominions. But this is another of those questions which it is better not to ask, or, if they are asked, to answer.

Except in the Irish Free State, judgments in all courts of the Dominions are still rendered in the name of the King; but they are coming to be rendered finally in each Dominion, without any appeal to a final court in Great Britain. The Judicial Committee of the Privy Council still remains a final court for the empire at large; but there are two things to be said in restriction of its power in the Dominions. First, the British Government had already suggested, in 1926, a new convention or understanding, that questions affecting judicial appeals should be determined in accordance with the wishes of the part of the empire primarily affected; and under the Statute of Westminster, which gave legal effect to the new convention, appeals to the Judicial Committee can also be legally barred by any Dominion adopting the Statute. There is thus both a convention and a legal rule that any Dominion may

follow a policy of barring appeals. Secondly, appeals have now actually been barred, by the Irish Free State in all cases, and by Canada in criminal cases; and the development may well go farther. It is permissible to regret the progressive truncation of a majestic tribunal which has maintained, without a shadow of partiality, the uniformity of English justice in all areas of its operation. There was never any element of political sovereignty or political control in its action: it was, and is, purely a judicial institution, devoted solely to the cause of equal and uniform justice. Young blood will have its way, and the instinct of Dominion autonomy rejects even the appearance of a superior tribunal. Yet some may feel

We do it wrong, being so majestical,  
To offer it the show of violence.

The fundamental fact in regard to Dominion status, whether we are considering the Crown, or parliaments, or the courts, is the fact that it depends on the current understanding or convention about its nature at any given time. It does not depend on legal rules, even if it may be partially expressed in such rules. Two consequences follow from this fact. In the first place, since conventions or understandings change and move, Dominion status is changing and progressive. In the second place, the most progressive—or, we may say, the most radical, or the most critical—of the

Dominions will set the pace, and make *its* understanding the general understanding—unless the other Dominions should say, as it is possible that in some contingency they might, “If *you* understand that, *we* do not and we will not, and we prefer to cease to be associated with you.”<sup>1</sup> We can thus understand why the Irish Free State and the Union of South Africa have latterly set the pace in regard to Dominion status; why next to them, if at an interval, Canada—less critical in outlook, but moved to raise questions both by her own position and by the proximity of the United States—has also been active; why Australia, clinging for good and sufficient reasons to the British connexion, has been less eager for change; and finally why New Zealand, the most contented of the Dominions with her position, has been the most content to remain in the ancient ways.

<sup>1</sup> After these words were written, the writer noted the following sentences, in a chapter by Mr B. K. Long in *The Empire and the World* (edited by E. T. Cook), p. 122: “To deny the right of any Commonwealth community to pronounce itself a republic, or to secede, or to attempt to declare itself neutral in war, is to waste words. There is no authority within the Commonwealth which can restrain any member-State from doing any of these things. Whether, if any member-State does any of them, the other member-States will acquiesce in what it has done, and will continue to recognize it as a Commonwealth member, is another question; but if recognition was withdrawn in such circumstances, it would not be because the right was denied, but because the other member-States preferred not to continue association when the right was recognized [? exercised].”

*The Present Position of Dominion Status in Regard  
to the Society of the Commonwealth*

Dominion status not only concerns each part: it also concerns the whole which is constituted by the parts. We may now proceed, after considering status intramurally, or in each separate Dominion, to consider it also extramurally, or in all the Dominions together: we may seek to discover the common institutions, forming a common structure, in which all the Dominions possessed of Dominion status can equally co-operate. We shall be concerned with structure only: we shall not consider (except incidentally) function; nor shall we examine what may be called the four great problems of function—the problem of a common foreign policy; the problem of a scheme of common defence; the problem of a scheme of common economy which will also fit into a scheme of general world-economy; the problem of a common scheme of population and migration.

We have already spoken of the Crown as a symbol of free association and a centre of common allegiance; but we have also found ourselves wondering whether there was one Crown or six. Are there any institutions which are indubitably common? There are some which exist: there are some which might exist. We may briefly glance at both.

Politically, there is the Imperial Conference, which since 1887 has met at intervals of about four years.

It is attended by the Prime Ministers and other Ministers of the British and Dominion Governments: its president has been, since 1907, the British Prime Minister. It is not an imperial Parliament or Cabinet: its discussions have no legal effect: its decisions, if it takes decisions, must be implemented subsequently by the action of each Dominion. But its general pronouncements are the main method of declaring the conventions or understandings on which Dominion status, and the co-operation of the States possessing that status, essentially depend. It is thus a convention-declaring body; and since the Commonwealth depends on conventions, that function is of cardinal importance.

Economically, and parallel to the Imperial Conferences held regularly on the political side, though less regular in their meetings and less important in their scope, there are Imperial Economic Conferences, such as that held at Ottawa in 1932. There are also connected and ancillary organs, such as the Imperial Economic Committee, a body instituted in 1925 to study and promote the trade and marketing of the empire, and the Imperial Shipping Committee, instituted in 1920 to study and promote the facilities for maritime transport on the routes of imperial trade. But there is no general economic organ to plan a scheme of common economy or to fit it into a general scheme of world-economy.

In the three matters of foreign policy, imperial

defence, and the planning of a policy of population and migration, there is also an absence of common organs and institutions. There is no imperial council for foreign affairs. Such an institution would seem to the Dominions to commit them too dangerously, and to approach too near to imperial federation; and foreign policy is still mainly conducted by the British Government (as one of the responsibilities which make it, if similar in status, also dissimilar in function), with the proviso and subject to the condition that it should seek to secure the concurrence of the Dominions for its policy. There is again no imperial council for defence. There have been imperial defence conferences, as in 1909 and 1911; but the permanent Committee of Imperial Defence is essentially a British committee, instituted for the purpose of advising the British Government, though it has also been attended, on occasion, by Dominion representatives, and has also been asked by Dominion Governments to give its advice. Similarly, again, there is no common imperial organ for planning a policy of population and migration: the Overseas Settlement Committee, established in 1918, is a British committee, instituted for the purpose of advising the British Dominions Minister on the policy to be pursued, in co-operation with each Dominion, for encouraging British settlement.

Administratively, there exists a common organ for the current management of Dominion affairs in the

shape of the Dominions Office, which was created, by separation from the Colonial Office, in 1925. It conducts the general management of the relations of the British Government with Dominion Governments: in particular, it transmits to the Dominion Governments information about foreign affairs from the Dominions Information Department of the Foreign Office, which may also, in matters of urgency, correspond with them directly. In addition, as we have already seen, the Dominions Office maintains representatives, styled High Commissioners, in most of the Dominions; and the Dominions on their side maintain representatives, under the same style and title, in London. The High Commissioners of the Dominions in London have important and perhaps growing functions. They hold informal meetings with one another, and with the British Minister for the Dominions and other British Ministers, for the purpose of discussion and consultation on difficult issues: they met in this way, for example, during the crisis which arose at the end of 1936. Perhaps the germ of new and important developments in the co-operation of the Commonwealth may be detected in these meetings.▼

## CHAPTER V

### THE INDIAN EMPIRE AND ITS GOVERNMENT

To the reflective mind, pondering on the general course of history, the British connexion with India cannot but appear one of the most astonishing things in the record—more astonishing than the conquests of Alexander, which carried Greek culture, for a time, into India, and even diffused its influence in Turkestan and China; more astonishing than the expansion of Rome, which carried the arms, the empire and the law of Rome as far as the upper waters of the Euphrates and Tigris; more astonishing than the Crusades, which carried the Frankish Knights of the Western Mediterranean into Syria and Palestine. A little island in the bleak North Sea; a vast sub-continent under a fiery sun, thousands of miles away; and the two conjoined together by the process of history.... The conjunction began in trade, as a business proposition, nearly three and a half centuries ago. Trade in its turn begot government, some two centuries ago, after the battle of Plassey, in 1757. A century ago, when English became the language of education (after Lord William Bentinck had stated, in 1835, that “the great object of the British Government ought to be the promotion of European literature and science among the natives of India”), trade and government, the two previous

links, began to pass into a contact of culture which made a firmer and far subtler link. In this new but now century-old process of culture contact, the old culture of India has drawn on the culture of the West: it has absorbed Western ideas of nationalism and constitutionalism: it has begun to fuse into a new amalgam with Western culture—an amalgam which has still to settle the nature of its own further development and (more important still) the nature of the contribution which it can make to the general progress of man. A great responsibility is laid upon Great Britain, the partner with India in the making of this amalgam—as a great, and even greater, is laid upon India herself—for the settling of that future and the making of that contribution.

#### *Political and Social Divisions in India*

The territory of India has an area not far short of two million square miles. The population, at the last census, was 350,000,000; and increasing as it does, under the peace and health of modern Indian administration, by more than 5,000,000 a year, it is now calculated at 400,000,000. Ninety per cent of the population (and this is a fact of the first order of importance) live in rural villages and are engaged in agriculture. The total European population is estimated at 135,000: of these, 60,000 are British troops, and 12,000 are civil servants; of the 12,000 British civil servants there are 800, and 800 only, in the Indian

Civil Service, which is the highest administrative range in the Government of India.

The main political division of India is into the two parts of British India and the Indian States ruled by native princes. British India, which in turn is divided into eleven provinces (not including Burma, a separate State since 1937), contains a little more than half of the territory, and something more than three-quarters of the population, of the whole of India. The Indian States, more than 600 in number (of which, however, a majority are 'estates' rather than States), have less than half of the territory, and less than a quarter of the population: they have their own independent, but protected, governments, the protection including in all cases control of external relations, and in most a greater or less degree of control of internal affairs. The political division of India into the two Indias is important, and the further division of British India into eleven provinces, each with its own legislature and cabinet, and each with the status of a federal unit in a federal State, is also important. But the social divisions of India are at least of equal, if not of greater, importance.

The major social division is that between the Hindus, who form two-thirds of the population, and the Mahomedans, who are less than a quarter, or about 80,000,000. But there is also, within Hinduism itself, a social, or socio-religious, division of castes (perhaps the most peculiar feature in the life of India,

which distinguishes it most from other countries), and especially a division between the depressed classes and the other and higher castes. Both of these socio-religious differences permeate social life: they affect the constitution of the family, social customs, education and the general way of living: they are a cardinal fact. The Hindu-Mahomedan division presents India with the great difference between what may be called Hindu hierachism and Mahomedan equalitarianism.<sup>1</sup> The further division in Hinduism itself accentuates that hierarchical or aristocratic trend of Hindu life and thought (marked by the ascendancy of the highest castes) which makes the actual working of democracy difficult for Hindus, even while they accept and passionately advocate the fullest scope of the principles of Western democracy. Indeed democracy, which presupposes an agreed framework of common fundamentals within which different parties and different bodies of opinion can agree to differ about non-fundamentals, is generally difficult for India at large; for while it is united by a common feeling of nationalism, and by a common loyalty to the idea of the motherland, India is also divided on issues

<sup>1</sup> Mr Percival Spear, in a memorandum of 1940, remarks, "Islam is democratic in principle, but its democratic instincts are more those of equalitarianism than of an urge to self-government.... Islam revolts at inequality; but it has so far failed to work that mainspring of democracy, the Committee. Islam looks to a leader, and its tendency is towards popular dictatorship."

which all Indians regard as fundamental—issues of religion and of the general scheme of social life so closely connected, in Indian life and thought, with the fundamental fact of religion.

On the other hand it would be a grave error to forget, or to under-estimate, the unity of India, so curiously but so closely combined with its difference. This unity may be considered from two different points of view. In the first place, it may be considered as largely derived from the West: partly in the form of a native and indigenous reaction against Western control, which has tended to unite all who were subject to such control; and partly again (and almost in an opposite sense) in the form of a general acceptance from the West of the Western idea of nationality, carried into India and moving through India in the wake of Western education and literature. Unity from this point of view, whether it be regarded as a reaction against the West or as an acceptance of the ideas of the West, is something modern: it takes the modern form of nationalism; and it has been accentuated, since the last war, by the general spread of the doctrine of national self-determination. But the unity of India may also be considered, from another point of view, as derived from India itself; and in this sense Indian unity is a thing far older than nationalism. In spite of the caste-divisions within itself, and in spite of the gulf which separates it from Islam, Hinduism colours all India, and produces a single Indian philosophy of

life and a common Indian way of life. Besides the uniting force of Hinduism, though less important than that force, there is also a native tradition of political unity, prior to any impact from the West—the tradition of Akbar and the Mogul Empire, and traditions far earlier than that. We must thus reckon a curious unity in diversity, which seen from the other side is also diversity in unity, as characteristic of India. It is this combination which makes India unique. No other country is so divided and yet united. This is the problem of statesmanship in India, which almost baffles statesmanship. That problem shows itself twice over. India seeks to establish democracy, and Great Britain is anxious to co-operate with India in its establishment; but India has not—and yet again has—that agreement on fundamentals which is necessary to democracy. Again India seeks to achieve federal unity—the unity of the eleven provinces of British India and the 600 Indian States in a single system—and Great Britain is anxious to collaborate with India in its achievement; but here too India has not, and yet again has, the unity of feeling which is necessary for a federal system.

*The Development of the Government of India from  
the Reform Bill of 1832 to 1917*

In 1835 it was already being officially declared that the great object of British government in India ought to be the promotion of European literature and science.

That declaration inaugurated a movement which brought Western culture to join the culture of India in a process of contact and fusion. This fusion, as the event proved, was not to be confined to the plane of education: it was also to be achieved on the plane of government. When, in 1858, the East India Company disappeared, and the British Government assumed direct responsibility, that Government was inevitably bound, whether consciously or unconsciously, to carry in its wake to India the new movement of democratic feeling which had begun in England with the Reform Bill of 1832, and to carry along with it the beginnings of new political institutions. Two forces thus acted on parallel lines and in sympathy—the educational force, and the political force of democratic feeling and new institutions based on that feeling. The educational force imported into India not only English literature, but also the political theories implicit or stated in English literature, from Milton to Burke and from Burke to Mill— theories of the sovereignty of the people, of the people's exercise of their sovereignty through representative institutions, of the responsibility of executive officers to the people's representatives, of the general right and duty of national self-government. Simultaneously the political forces at work in India, immediately represented by the body of British administrators which in 1858 still constituted almost the whole of Indian government, began to mould themselves gradually, under the impulse of

progressive ideas in Great Britain (ideas which successive generations of administrators brought with them, and naturally sought to apply) towards the adoption of what may be called a parliamentary form. The new movement ran towards the introduction of legislative assemblies; towards the inclusion of Indian members in those assemblies; towards the extension of the work of the assemblies beyond their primary function of law-making until it came to include the further functions of discussing budgets and of proposing resolutions on general matters of public importance. Thus what had been, to begin with, an administrative regime modified itself, or was modified from without, into a regime which included a further organ for law-making; and the functions of that organ were in turn extended until they embraced the other and additional functions which belong to the nature of a full parliamentary assembly, as distinct from a merely legislative body.

There are three land-marks in this development during the period between the assumption of direct responsibility by the British Government in 1858 and the new and large forward step which was taken, sixty years later, in 1917. The first land-mark belongs to the year 1861, when the first Indian Councils Act instituted legislative assemblies for British India, both at the centre and in the provinces. These assemblies, it is true, were instituted purely for the purpose of law-making: they were also, it is true, composed only of

nominated members; but at any rate half of the nominated members were non-official members who did not hold their seats by virtue of the tenure of office, and some Indian members came to be included in this non-official half. The second land-mark belongs to the year 1892, some thirty years later, when a second Indian Councils Act introduced election of non-official members into the composition of legislative assemblies, both central and provincial. Election, it is true, was disguised under the veil of recommendation, by the electors, of persons who might then be formally nominated as members of the assemblies: election, it is also true, was applied only to a majority, and not to all, of the non-official seats; but the fact remains that in 1892 election of representatives actually began (the persons recommended by the electors being always, in practice, nominated), and that a revolution in the Government of India was thus inaugurated. The third land-mark belongs to the year 1909, after an interval of seventeen years, when a third Indian Councils Act was passed under the auspices of Lord Morley, the Secretary of State for India, and Lord Minto, the Viceroy. This third Act definitely and finally introduced the principle of election into the central and provincial assemblies. The elected members still sat by the side of nominated members (though in Bengal, at any rate, the elected members formed a clear majority of the assembly); and they were elected, not by a popular electorate, which it would have been

difficult or impossible to establish at that time, but partly in an indirect method, by the members of municipal and district boards, and partly by 'communal' electorates, such as Mahomedans and land-owners. But the elected members were, none the less, formally and really elected; and the Act of 1909 also made the powers of the legislative assemblies, as well as their composition, more parliamentary in character. Already in 1892 the second Indian Councils Act had enabled assemblies to discuss the budget: the third Act of 1909 enabled them not only to discuss the budget, but to propose resolutions on it and to have them put to the vote. It also empowered them to propose resolutions on matters of general public importance, which should operate, if they were carried, as recommendations to the government; and it further empowered them to question the government by supplementary as well as by original questions. The ground for Indian parliaments had thus been already laid.

*The Development of the Government of India  
from 1917 to 1919*

On that ground there was built, in 1919, by the Government of India Act passed in that year, something which can properly be called Indian parliamentarianism. Indian practice, hitherto halting behind, though moving parallel with, the theory of popular sovereignty and national self-government

which had been carried to India in English literature and Western education, moved closer to that theory. The Act of 1919 is the logical and rapid successor of the third Indian Councils Act, passed only ten years before. The policy of the Act had already been enunciated in 1917—the year in which, as we have already seen, an Imperial Conference had declared in favour of the recognition not only of the Dominions as autonomous nations of an imperial Commonwealth, but also “of India as an important portion of the same”, and had further proposed recognition of “the right of the Dominions *and India* to an adequate voice in foreign policy”. In a statement made in the House of Commons in that year, the Secretary of State for India stated that the policy of the British Government was directed towards “the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire”. The crucial words in that statement are the words “responsible government”. The policy now adopted is a policy which adds to representative institutions (progressively developed in India during the last half-century) the further right of responsible government and a cabinet system.<sup>1</sup> It is true that the realization of this right is

<sup>1</sup> It is natural to compare the development of the government of India with the development of Dominion Government, as it passed through the four stages mentioned at the beginning of the previous chapter. It is not only a matter of analogy; it is also, as the declaration of the Imperial Conference of 1917

to be progressive rather than immediate, and the goal of a gradual development rather than a fruit of instant enjoyment. But the policy declared in 1917, and followed in the Act of 1919, marks none the less a great and immediate advance.

The advance was greater in the provinces than it was at the centre. In the provinces two large changes were made by the Act of 1919. In the first place, some 70 per cent of the members of the provincial councils were to be elective; and the provincial electorate became a direct electorate composed of those who had paid a quota of taxes or had served in the army. In this way the membership of the councils and the composition of their electorate were both reconstructed on more democratic lines. Secondly, the provincial councils, thus reconstructed, were vested with the power of controlling a cabinet—or, more exactly, the half of a cabinet—which administered ‘transferred’ subjects: the remaining, or ‘reserved’, subjects being still administered by the British governor

suggests, a matter of close and essential connexion. India passed through the first of the four stages (the stage of the development of representative institutions) between 1861 and 1919; but that stage is still being traversed. She entered into the second stage (that of the development of responsible government) with the Act of 1919; but that stage also is still being traversed. The third stage (that of federal unity) began, as we shall see, with the Act of 1935: the last stage (which is that of Dominion status) was already implied in 1917, has become increasingly explicit, and is likely to be attained in the near future.

and his executive council. At the centre, as distinct from the provinces, no element of responsible government and no germ of a cabinet system was introduced; but a new bicameral legislature was instituted, and the First Chamber of this legislature was to have a majority of elected members. It must be added, however, that both in the provinces and at the centre communal electorates (especially of Mahomedan voters) were retained, on the principle already adopted in the Indian Councils Act of 1909; and these electorates continued to act by the side of the general electorate.

The provincial 'half-cabinet' system, or, as it came to be called, the system of dyarchy, was a remarkable innovation in the history of constitutional method; and on the not unjustifiable assumption that preparation for full responsible government was needed in a country so vast and so mixed as India (where even a province, such as Bengal, might have a population of 50,000,000, almost equally distributed between Hindus and Mahomedans), it may be said to have provided a valuable stage of education. But the combination of a general electorate with communal electorates raised that problem of a united yet divided India which has already been mentioned; and it offered a serious obstacle to the working of democracy, which is always harassed, and may even be rendered impossible, by the presence of divided communities in a single political body. Other grave questions also arose from the Act of 1919. They arose all the more because there was a

vigorous political party in India, the Congress Party, which had been formed as long ago as 1885 and sought to press to its full conclusion and to bring into immediate operation the general theory of popular sovereignty and national self-government imported in English literature and spread by Western education. True the Congress Party was mainly Hindu, and the Mahomedans stood mainly outside the Party. But it was also true, and as we have already seen reason to note it still continues to be true, that Hinduism gives the general colour to Indian life at large.

### *The Period from 1919 to 1935*

The problems which arose in India after 1919 were largely inherent in the Act of that year and in the declaration of 1917 by which it had been preceded. The declaration had been based on the idea of a gradual and progressive development by stages; and that idea had been embodied in the Act, which had provided for a review of the operation of government in India, after an initial stage of ten years, in the course of 1929. The declaration had also stated (and this was also implied in the Act) that the stages were to be determined by the British Government and the Government of India (acting under the British Government), who "must be judges of the time and measure of each advance, . . . guided by the co-operation received". An initial and fundamental question which is raised by the idea of stages is the question whether there should

be stages at all or India should proceed at once to its goal. Further questions may also be raised. If there are to be stages, should they be determined unilaterally by the British Government (and the Government of India), or unilaterally by the people of India, or bilaterally by both, acting in consultation and seeking to act in agreement? Again—whether or no there are to be stages, and however, if there are to be stages, those stages are to be determined—what is the goal itself, and how is that goal determined? In the declaration of 1917 the goal is stated to be the realization of responsible government in India as an integral part of the British Empire; and that goal is determined by “the policy of His Majesty’s Government”. But the people of India may claim to determine the goal, either alone or at least in an equal partnership. If, in determining the goal, whether alone or in partnership, the people of India accept the general formula of “responsible government in India as an integral part of the British Empire”, and do not prefer to press the theory of popular sovereignty and national self-government to its furthest consequence of independence, they may still raise questions about the meaning of ‘integral part’. Do these words imply full Dominion status, and complete equality with the other Dominions and Great Britain? Or do they leave India still short of Dominion status, and hanging in an inter-stellar space between the enjoyment of Dominion status and membership of the dependent empire?

These questions may seem theoretical; and they depend upon an assumption, which itself may be said to be theoretical, that there is a 'people of India' able and ready to speak with a single voice. But we have to recognize that Indians have a metaphysical or logical temper, which inclines them to adopt a theory, to press it to its conclusions, and to stickle for it tenaciously and subtly in debate. The British are a practical people; but they are not the best of philosophers or the most acute of debaters. They feel, in their experimental way, and with a dumb sort of practical judgment, that democracy is in any case a delicate and difficult form of government: that it is, for particular reasons, particularly difficult and delicate in India; that minorities must be considered and not simply overborne; that they themselves have had a large experience in India, which may still be of service to India; that, in a word, there must be some sort of give and take, and some compromise between logical Indian claims and practical British judgment. The difference, however, between the Indian point of view and the British is in no sense an absolute antinomy. It is the less so, because the British point of view itself has two different elements within it which conflict without being contrary. The British Parliament, entertaining at once a deep sense of the value of liberty for all men and everywhere, and a deep feeling of its own duty as a trustee for the welfare of all the 400,000,000 of the population of India, has sought, and is still seeking, to do two things

simultaneously: to extend the fullest possible measure of parliamentary self-government to India, and yet to observe the conditions imposed by a grave sense of responsibility, such as must necessarily attend the making of a vast experiment—the experiment of setting Occidental parliamentary institutions to direct the life of a great Oriental people imbued with its own tradition.

Such is the general nature of the issue which began to be raised between Great Britain and India after 1919. But it is important to observe that Great Britain and India are not the only parties which are concerned in the issue. The whole Commonwealth is concerned. India is not only affected by Great Britain, and moved forward (or, as many Indians would rather say, pulled backward) by the movement of ideas in Great Britain: she is also affected by the Dominions, and she is moved forward and onward by the course of their progressive movement. She may not, even yet, have Dominion status in form; but she has had, ever since 1917, some of its actual substance. Already, in 1917, India had been included with the Dominions by the Imperial Conference in the claim for an adequate voice in foreign policy. Like the Dominions, and along with them, India signed the Treaty of Versailles: like the Dominions, and along with them, she became an original member of the League of Nations. Like them, if at a later date, she gained fiscal autonomy, under the Fiscal Convention of 1921: like them, she was repre-

sented at the Imperial Economic Conference held at Ottawa in 1932. India is thus carried in the general current of the Dominions; and though Indians may naturally feel that their country ought to enjoy at once the full form and the total substance of Dominion status, the fact remains that India has been steadily moving from liberty to liberty in the course of the general movement of the self-governing Dominions.

We may turn from these general considerations to the actual movement of events between 1919 and 1935, the year which saw the passing of a second and more comprehensive Government of India Act. According to the doctrine of stages adopted in the Act of 1919, a commission was to be appointed to review the working of the Act, and to consider the next stage of development, at the end of a period of ten years. Actually the period was curtailed; and a Statutory Commission, consisting of seven members drawn from both Houses of Parliament, was appointed in 1927, two years before the end of the period. The commission travelled through the length and breadth of India; it consulted both Indians and Europeans; and it reported and made its suggestions of new reform and fresh progress at the end of 1929. This was not all: indeed, it was only the first of three successive stages of consultation and preparation. The second stage was that of the three Round Table Conferences which were held in London between the end of 1930

and the end of 1932.<sup>1</sup> They were attended, on the one hand by representatives of Indian parties, groups and religions, and on the other by representatives of the different British political parties from both of the Houses of Parliament: they examined the suggestions of the statutory commission and discussed alternatives and amendments. Then, and then only, the British Government, after consideration of all the data provided both by the statutory commission and the three Round Table Conferences, published its own proposals for Indian constitutional reform in a White Paper issued in March 1933. But a third and further stage of consultation and preparation was still to follow. The proposals of the British Government were submitted in April 1933 to a joint committee of thirty-two members drawn equally from both Houses of Parliament. The joint committee, which sat for a year and a half and reported in October 1934, consulted representatives of India (twenty from British India and seven from the Indian States) in the course of its deliberations; and it was only after this third stage of consultation, which resulted in alterations of the proposals of the Government, that Parliament was finally furnished with the materials for an Act. After seven years of consultation with India, succeeded by long debates in Parliament, the second Act for the

<sup>1</sup> This second stage had been preceded by a preliminary statement of the Indian policy of the British Government, which was announced to the first Round Table Conference and approved by both Houses of Parliament.

Government of India was at last enacted in the beginning of August 1935.

Before we consider the scheme of the Act, it is only just to examine the method of its preparation. It may be argued, on grounds of theory, that the one body which, in accordance with democratic principles, should prepare a constitution for India is an Indian convention consisting of the elected representatives of the people of India; and it may further be argued that this is what, in effect, was the method adopted by Canada before the Act of 1867, by Australia before the Act of 1900, and by South Africa before the Act of 1909—even though the British Parliament formally enacted all these Acts. This was not the method followed in the preparation of the Indian constitution of 1935. On the other hand, there was a permanent consultation of Indian opinion, both in India and in England, from 1927 to 1934; and in view of the diversity in unity of Indian opinion, which might well have wrecked any convention, it may be argued that this was the only practicable method. It may also be argued that in view of British responsibility for India—in view of the peculiar position of Indian States, and of the position of Indian minorities—this was the right as well as the only practicable method.

### *The Government of India Act of 1935*

The new constitution, like the previous constitution of 1919, falls into two parts or divisions. Under the

first of these parts, a full cabinet system, or in other words the whole (in place of the previous half) of responsible government, was instituted in the Indian provinces, which were now increased to the number of eleven. Two limitations were, however, imposed, in the interests of the general well-being: the Governor in each province was vested with the right of exercising special responsibilities, even in normal times, to ensure peace and tranquillity and to protect minorities; and he was further vested with the right of legislating by ordinance, and also of enacting Acts, in times of emergency. With the institution of full responsible government, the franchise in the provinces was also extended; but it still depended on a property or service or educational qualification, and communal electorates were still continued, and even amplified, by the side of the general electorate. This part of the Act came into operation in April 1937; it was working, and by general consent it was working well (particularly, perhaps, in Madras), when the writer visited India in the winter of 1937-1938; but it received a shock in the course of 1938, when, for reasons connected mainly with the second or federal part of the Act, the Congress Party instructed its members who were serving in provincial cabinets to resign their posts. This action dislocated the cabinets in a number of provinces, and prevented the general growth of provincial responsible government.

The second part of the Act was directed to the

reconstitution of the central Government of India. Under this second part, there was to be a new federal State (such as had been instituted in Canada in 1867, and in Australia in 1900), embracing the whole of India, and thus including both British India and the Indian States. In this new federal State there was to be a bicameral legislature, with the representatives in each House elected, in the main, by communal constituencies, but with the representatives of the smaller communities elected by an indirect method, and with the representatives of the Indian States appointed by their rulers. The government of the new federal State was planned on the system of the half-cabinet, or dyarchy, which had been followed in the provinces between 1919 and 1935. The subjects of defence and external affairs in the federation were to be reserved subjects, handled by the Governor-General and his council under an ultimate responsibility to the British Parliament. Other subjects were to be transferred to a Council of Ministers generally responsible to the federal legislature; but just as in the provinces the Governors were vested with rights which limited the full cabinet system instituted there by the Act, so in the federal State the Governor-General was similarly vested with rights which limited the half-cabinet system instituted there. Ordinarily, he had special responsibilities for the maintenance of order, the protection of minorities, the security of federal finance and the safeguarding of the rights of Indian States;

in special circumstances he might issue federal ordinances or even enact federal Acts. But this second or federal part of the Act of 1935 has not yet come into operation. Formally and legally, its inauguration depends on the execution of instruments of accession to the federation, on the part of each Ruler, in respect of his State. But there is also a further condition, which goes deeper than the forms of law; and that is the general agreement of Indian communities and parties to accept and work a system of Indian unity. As things now stand, the princes of the Indian States are dubious; the Mahomedan community is diffident about a federation in which it fears that it might be swamped; and the Congress Party and the general body of Hinduism have also their alarms, especially in regard to the terms of the inclusion of the Indian States. Indeed, the Congress Party goes beyond alarms about immediate issues: it challenges the whole method of the making of the Act of 1935, and the whole of the constitutional system which the Act instituted.

The present problem in regard to the general government of India is the old but recurrent problem of achieving unity out of diversity—a unity consistent with the diversity engraved in India, and yet transcending diversity and binding its elements together. The simple assertion of the majority principle, and the pure vindication of the right of the Hindu majority to have its way, can never be a solution of the problem. In Great Britain we have long recognized that a

majority, in itself and by itself, has never a right to its own exclusive way, and that the only right and practicable method for the action of a majority is to attain some compromise with a minority, and to achieve some form of majority-minority agreement, which all can more or less willingly accept and all are more or less willing to work. This is the ethic of political action essential to democracy. That Indian diversity in unity of which we have spoken, coupled with that Indian logical temper, and that disposition to press theory to its furthest conclusions, of which we have also spoken, makes this ethic of political action especially difficult for India. It may be that new methods will have to be devised to meet the difficulty. It has been suggested that one method might be the recognition of religious communities as autonomous corporations in their spheres—free, as such, to control their own religious life; free to control (at any rate in large measure) the education of their members, as a thing vitally connected with religious life; free to control, in addition, social observances and customs, as matters similarly connected with religion.<sup>1</sup> It has also been suggested that another method might be the institution in the new federal India not of any form of cabinet government (with its reliance on a majority

<sup>1</sup> This would be, in its way, analogous to that development of society, and of the voluntary action of voluntary societies, especially in the religious sphere, which has been noted as characteristic of British life in a previous chapter.

and its struggle with the opposition), but of an executive government composite in character and recruited, like the Swiss Government, from different parties and provinces. Whatever the methods adopted, the problem of achieving unity out of diversity, and yet leaving unity compatible with diversity, remains to be solved—to be solved in India, to be solved by Indians, to be solved by Indian agreement. Once it is solved, the way lies clear to national self-government and full Dominion status. The British Government has already stated that “the natural issue of India’s progress is the attainment of Dominion status”; and the instructions to the present Viceroy already enjoin it upon him “to further the attainment by India of her due place among the Dominions”. Once India has achieved unity, and attained, in the act of achieving it, the enjoyment of Dominion status, she can fully and freely make, in virtue of her own unique position, a unique contribution to the general progress of mankind. The bridge between East and West—the crucible fusing Eastern and Western culture into a new amalgam—she can not only strengthen greatly the society of the Dominions which is called the Commonwealth; she can also (and that is a greater thing) help by her example and influence to determine, and to determine for the better, the relations between Occident and Orient, the two main halves of mankind.

## CHAPTER VI

### THE DEPENDENT EMPIRE AND THE DOUBLE TRUST

THE colonial or dependent empire includes a large area but not a larger population. Apart from mandated territories, it covers nearly 2,000,000 square miles, and is inhabited by a population of nearly 50,000,000. The great bulk of the area (some 80 per cent, as we have already noticed) lies in Africa; and here it falls into the three main blocks of West Africa, East Africa, and the Southern block which lies between the Belgian Congo and the Union of South Africa. But important parts of the colonial empire are also to be found in Asia, from Cyprus in the West to the Straits Settlements, and even farther afield, in the East; and some of its oldest parts, from Newfoundland in the North down to Barbados and other West Indian islands in the South, are situated in the American continent. In Europe itself Gibraltar has been included since 1704, and Malta since 1800. But the great bulk of the colonial empire in Africa, and much of it in Asia, is of recent origin, and has been acquired since the middle of the reign of Queen Victoria.

*Political Divisions of the Dependent Empire*

Politically, or in terms of government, the dependent empire may be divided in two different ways, according to the criterion which we adopt. If we follow the technical criterion of legal status under the system of international law, we shall notice three different degrees or forms of such status, which provide three corresponding divisions. There is the status of the Crown colony, which belongs to the sovereignty of the British Crown, generally by virtue of conquest or cession, but also, in some few cases, by virtue of occupation and settlement. There is the status of the protectorate, which formally and legally belongs to the sovereignty of a native ruler, but is actually 'protected' by the British Crown in the sense that its external relations are managed and its internal administration controlled by British officials.<sup>1</sup> Finally, there is the status of the mandated territory, instituted in 1919 by the Covenant of the League of Nations, under which the sovereignty over the territory would seem to be left undetermined, but the Crown conducts the administration on much the same lines as in a

<sup>1</sup> Mention may here be made of the joint Anglo-Egyptian protectorate established in the Sudan, on the basis of condominium, in 1899. By the Anglo-Egyptian treaty of 1936, the question of sovereignty was left an open question: the primary aim of administration was declared to be the welfare of the Sudanese; Egyptians were placed on the same footing as British subjects in public appointments, and Egyptian troops were included in the army of defence.

Crown colony, though under the special terms of the mandate prescribed by the League.

In practice there is no great difference between the three divisions of the dependent empire which are determined by differences of legal status under the system of international law. The second criterion, which may be roughly termed the criterion of constitutional status within the empire, is more important, and constitutes more essential differences. If we follow this criterion, the divisions of the dependent empire will be determined by the rate of political development and the degree of approach to a system of responsible government. Two main divisions emerge, which are irrespective of differences of legal status in international law, and cover the whole of the dependent empire in all its parts. The first division includes those parts, such as Southern Rhodesia and Ceylon, which possess some sort of system of responsible government and are governed by something in the nature of a cabinet responsible to an elected or almost wholly elected assembly. The second division includes the remaining parts, which do not possess any system of responsible government, but are governed by an executive (consisting of the Governor and an advisory executive council) immediately responsible to the British Secretary of State for the Colonies, and ultimately to the British Government and the British Parliament.

Within this second division there are many possible

grades. They are determined by the presence or absence of a legislative body (in a few dependencies there is no such body); by the structure of the legislative body (in the great majority of cases where such a body exists), and by the extent to which its composition depends on election or nomination; and finally by the powers of the legislative body (especially where it is mainly recruited by election) and by the extent of its influence over the Governor and his executive council. But the essential element in this second division, which is generally marked, whatever its grades, by the absence of responsible government, is the fact that the Governor has the final control of the legislature. The parts of the empire which belong to this second division may, and often do, enjoy representative institutions, though such institutions are generally modified, to a greater or less degree, by the element of nomination: what they do not enjoy is a system of responsible government, which makes representative institutions the mainspring of political action. This is not to say that the method of their government is a poor or imperfect method. On the contrary, it may be, and generally is, the best which is possible in the circumstances. Where there is a predominantly native population, or a population mixed and recruited from different and discrepant elements, the best possible government in the interests of the population as a whole may well be, and generally is, an executive type of government, in which the Governor acts with his

council as a government responsible for the welfare of the population, if not as a government responsible to a body representative of the population. But even so it may safely be argued that the more the two sorts of responsibility can be combined, and the more responsibility to a body representative of the population can be added to responsibility for the welfare of the population, the greater will be the ultimate welfare of the people.

*Responsible Government in the Dependent Empire:  
The Government of Ceylon*

A recent and notable example of the growth of responsible government in the dependent empire is to be found in Ceylon, a colony acquired from the Dutch by cession in 1814. Under a constitution of 1931 the island has advanced to a system of dyarchy in some respects like, but in others unlike, the system introduced into the provinces of British India by the Act of 1919. It may almost be said that the government of Ceylon is a mixture, or half-way house, between the half-cabinet system of the Indian provinces during the years from 1919 to 1937, and the methods and forms of the London County Council and other similar organs of English local government. Just as there was in the Indian provinces, during that period, so there is in Ceylon a division between subjects reserved for the Governor and subjects (some seven in number) transferred to the legislative body,

or, as it is called, the State Council. But, as is the case with the London County Council and similar English bodies, the subjects belonging to the Council are handled, not by a single cabinet collectively responsible to it (which was the method followed in the Indian provinces under the system of dyarchy), but by seven different committees of the Council, chosen from it by secret ballot—each committee electing its own chairman, and each (or the chairman of each) being separately responsible to the Council. The independence of the Council and its committees in the handling of transferred subjects is qualified by two limitations: the Governor can certify measures as necessary, and pass them by his own motion; he can also declare a state of emergency and resume, during such state, any of the transferred subjects. On the other hand, the franchise on which the State Council is elected is a liberal franchise: the constituencies are all territorial; there are no communal electorates, as religious divisions do not cut so deep in Ceylon as they do in India; and almost all British subjects in the island, both men and women, can vote. It is possible that Ceylon, and its novel system of responsible government, may furnish a model which will be followed in other parts of the colonial empire. The Ceylonese system is, in effect, a system of responsible government without being a cabinet system. Such a system, in the absence of firm and organized parties, able to constitute both a cohesive cabinet and a coherent

opposition which can serve as a critic and an alternative to such a cabinet, may perhaps supply a method of self-government over large areas of the empire.<sup>1</sup>

*Non-Responsible Government in the Dependent Empire:  
The Method of Indirect Rule*

It would be impossible, and it would be tedious even if it were possible, to trace the many varieties of non-responsible government in the dependent empire. Something has already been said, in the third chapter of this book, about the general method of Crown Colony government, and the spread of that method during the reign of Queen Victoria. Here we may confine our attention to a new development which has marked the present century. This is that system of Indirect Rule which has already been mentioned, in the same chapter, in connexion with the idea of Trust.

The system of Indirect Rule is practised in Nigeria, which affords the original and main example, at any rate in Africa; in the protectorate of Uganda and the mandated territory of Tanganyika; in Malaya, where it is said to have reached its highest development; and in some of the islands of the Pacific. It is a system

<sup>1</sup> Southern Rhodesia, though it has not yet attained Dominion status, and for that reason may be classed as a part of the colonial or dependent empire, is really a colony by settlement which possesses complete responsible government of the ordinary type, and stands closely connected with the Commonwealth of the Dominions.

under which parts of the dependent empire with a population predominantly native—African, Malayan, or Polynesian—are governed with a view to, and on the method of, enlisting native co-operation, through the aid of native institutions, in the ordinary conduct of government. It is this method, with its use of native councils and chiefs, and its purpose of educating native peoples in the rights and duties of democratic co-operation, which entitles us to say that, even if there is no formal representative assembly in the parts of the empire where it is applied, there is still a spirit of representation and a living nucleus of democracy. Reflecting on the rapid growth and the wide extension of this method, we may fairly claim, in respect of the dependent empire as well as of the Commonwealth of the Dominions, and perhaps particularly in respect of the dependent empire, that “Great Britain stands before the world”, as a writer with long experience of imperial development has said, “as the great trustee and champion of democratic liberty”.<sup>1</sup>

Before we consider the operation of Indirect Rule, we shall do well to examine once more the general framework of the idea of Trust in which it is set. Something has already been said of one aspect of this idea; but the suggestion has also been made (in the first part of the second chapter) that there are two aspects to be considered, and that the conduct of a colonial empire involves not a single, but a double,

<sup>1</sup> B. K. Long, in *The Empire and the World*, p. 140.

trust. In one aspect, which both logically and chronologically is the prior aspect, the colonial trust involves a duty to promote the well-being (economic, social and political) of the native population of a colony, which is thus regarded as the prime or prior beneficiary of the trust. But in another and second aspect the colonial trust also involves another and second duty, which is that of promoting the well-being of the world at large and humanity in general (because the world at large, and humanity in general, must also be regarded as a beneficiary of the trust), and of doing so by developing the resources of dependencies with a view to their full and free enjoyment by the general comity of mankind. One aspect of the colonial trust thus means that a colonial power must contribute to the well-being of a native people: the other aspect means that it must also contribute, through that people and along with that people, to the well-being of all the world, by developing resources, hitherto unused, for the common use and the general benefit of humanity. There is thus constituted a double trust, or, as Lord Lugard has called it, a 'dual mandate'. In his own words, in the book which bears that title, Great Britain "has her task, as trustee, on the one hand for the advancement of the subject races, and on the other hand for the development of material resources for the benefit of mankind". But these trusts do not simply run parallel: they intertwine and are interconnected. Lord Lugard may again be cited in evi-

dence. "The benefit can be made reciprocal [that is to say, the advancement of native races for their own benefit can promote the development of material resources for the benefit of mankind, and *vice versa*], and...it is the aim of civilized administration to fulfil this dual mandate."<sup>1</sup> Indirect Rule, as a fulfilment of trust and a method of government for the advancement of a native population, does not stand alone, and cannot be considered in isolation. It is connected and intertwined with what may be called the Open Door, or the policy of the free development of the material resources of colonies for the common benefit, which must be regarded as another and similar and almost equal fulfilment of trust.

We may now turn, in the light of these general considerations, to the actual operation of Indirect Rule; and we may begin by quoting an official declaration of policy, made in regard to Kenya, of the year 1923: "H.M. Government regard themselves as exercising a trust on behalf of the native population... the object of which may be defined as the protection and advancement of the native races....It is the mission of Great Britain to work continuously for the training and education of the African towards a higher intellectual, moral and economic level." British administrators in Africa, such as Lord Lugard (and not only he and his fellow-workers in Africa, but

<sup>1</sup> Lord Lugard, *The Dual Mandate in British Tropical Africa*, pp. 606, 617.

others also in other parts of the dependent empire), had already acted before 1923 in the spirit of this statement, and had built up, gradually and experimentally, the system of Indirect Rule. In one sense that system may be called a system of dyarchy. The central government of a colony "reserves to itself the right to impose taxation, to make laws, to control the exercise of such subsidiary legislative powers as may be delegated to Native Authorities, . . . and of course to raise and control armed forces";<sup>1</sup> but the tribal authorities "are endowed with well-defined administrative, judicial and even legislative powers and functions recognized by the government and by law, and are regarded as integral parts of the machinery of government".<sup>2</sup> From another point of view, and more properly, Indirect Rule may be called a system of devolution or delegation rather than dyarchy; and it may be added that it is a system of devolution supervised and regulated not only by the central colonial government, but also by the local British administrative official immediately connected with the Native Authority.

The Native Authority may be one of three kinds—a paramount chief, a federation of chiefs, or a tribal council; but the last two kinds are the great majority. Even where the Authority is a paramount chief, he

<sup>1</sup> Sir Donald Cameron, quoted in *The British Empire* (a report by a study group of members of the R.I.I.A.), p. 145.

<sup>2</sup> *Op. cit.* p. 144.

acts, by native custom, in consultation with his traditional counsellors: he is not an autocrat; and his powers are circumscribed by tribal opinion and usage. Some of the Native Authorities take the form of well-developed tribal councils: the Lukiko, in Buganda, is sometimes described as an 'African Parliament'. It follows that Indirect Rule is never exercised through a native chief acting entirely on his own motion: it is exercised either through a chief (or federation of chiefs) acting in council, or immediately through a council. The people as a whole may not, and indeed cannot, be enlisted; but at any rate a section of the people, greater or less, is enlisted, and not only enlisted but trained, in administrative, judicial and even legislative duties.

There have been criticisms of this method. Some have urged that it encourages native chiefs to erect a new despotism under the shadow of British suzerainty; others, pressing the same point but pressing it in an opposite direction, have argued that the local British officer, in the actual application of the method, tends to sacrifice the political education of native peoples on the altar of administrative efficiency. It has also been urged that when tribal institutions are used as official organs for official purposes, they tend to become stereotyped, or even fossilized, and, ceasing to progress or develop, cease to serve the cause of progress towards the goal of self-government. Another line of criticism is that a policy of reliance on old tribal

institutions of an indigenous type tends to hamper the diffusion of Western education, and prevents those natives who have succeeded in acquiring such an education from enjoying 'the career open to talents' which they naturally and legitimately expect. By a further extension of this line of criticism the question may be asked, 'Why seek to preserve the native institutions of a tribe, when European civilization, with its economic developments and its social ideas, is impinging on native society, customs and institutions?' This question may lead to the asking of a further question, 'Is there not more to be said for the French method, which seeks to educate natives of French colonial territories in the tradition of France, and to induct them into its social habits and its general culture?'

The question whether the African native (if we may confine ourselves to that instance) had better be left an African, but aided to become a better African, or whether it is better that he should be Europeanized, is a question which raises profound issues. The general British view is a view which favours the first alternative. It is a view which logically issues in the policy of Indirect Rule, whatever defects that policy may occasionally involve. The cadre and habit, and the sustaining force, of genuine native society is necessary for the best development of a native people; and if the natives were deprived of that cadre and habit, and that sustaining force, and were plunged into European

individualism, they might cease to be a society and become what has been called a 'rabble', which might in turn become the material for a black dictator. From this point of view it may be urged that Indirect Rule, though it may involve occasional lags or set-backs, is the true path of progress towards eventual self-government. African self-government, as it grows, must be African: it must be a thing which is *sui generis*: it cannot be a mere imitation and a watery copy of European methods. For this reason it seems to be fundamentally right that we should start from and cling to native institutions, and develop them, at the same time that we seek to maintain them, in the direction of self-government. This is the aim, and this is the core, of the system of Indirect Rule.<sup>1</sup>

<sup>1</sup> It illustrates the difficulties and the differences which arise in the contact between Europeans and natives in Africa that in the British area (if the Union of South Africa may be considered along with the British colonial territories as belonging to that area) three different methods should be simultaneously followed. There is the method of Indirect Rule, followed in Nigeria, Uganda and Tanganyika—a method which acknowledges the paramountcy of native interests and is encouraged by the policy of the Colonial Office. There is the method of the Union of South Africa, which has been called the method of stern control—a method that applies to the native races, which form two-thirds of the population, the political policy of the Representation of Natives Act of 1936, limiting the rights of natives to an advisory Natives Representation Council of twenty-two members, and the economic policy of the Native Trust and Land Act of 1935, establishing a Native Trust to acquire estates as 'reserves' for separate native occupation. Intermediate between these two methods is the method of the

Three propositions may be tentatively advanced as we pass from the theme of Indirect Rule. The first is that one of the profoundest problems before the world is the problem which General Smuts has called "the contact of colours"—the problem of what the white peoples can do to help the darker, especially in Africa, by giving them guidance without bringing to them either oppression of their native freedom or corruption of the good elements in their native civilization. The second is that a European State may well gain in moral stature if it seizes and uses the opportunity for giving such guidance in such a spirit: it may acquire a sense of responsibility for ensuring the well-being of others than itself; and it may call the best of its youth to a career of ennobling service, if only that career be embraced in a true and proper spirit as a career of service *to others*. The third proposition is that the responsibility of any guiding people or State should never tend to diminish, but should always be exercised with a view to increasing, the inherent and indefeasible responsibility of the native and guided people for making the best of itself.

East Central British colonies, and especially Kenya. Here, with settlements of British immigrants in the equatorial highlands, and with the tendency of those immigrants to claim representative institutions and responsible government in the interest of their own liberty, the result is a policy tending to oscillate between imitation of the South African method and the adoption of the first method. See *The Empire and the World* (edited by E. T. Cook), pp. 142-3.

*The Double Trust and the Open Door*

We now come to the second principle of the double trust or dual mandate—the principle which enjoins the development of the material resources of colonial territories for the benefit of mankind. We are at once brought face to face with the question, ‘How far is Great Britain acting in accordance with this second principle?’ The system of Indirect Rule is a system in accordance with the first principle of the double trust, which enjoins the promotion of the well-being of native races. Is the system on which we act in relation to the rest of the world equally in accordance with the second principle?

Before we seek to answer that question, we may do well to face another, which, immediately at any rate, seems to loom even larger. Are the colonial territories of the world, especially in Africa, fairly or equitably distributed? This is a question which may be brought under the rubric of the second principle of the double trust. On that principle, which enjoins that the material resources of colonial territories should be developed for the benefit of mankind, it may be contended that such development will best be secured, and the benefit of mankind will best be served, if each of the great civilized States of the world has a hand and an interest in the process, and assumes some measure of responsibility for its success. From this point of view the question involved in what is called ‘the

colonial problem' is not merely a question whether the States which now hold colonial empires are developing them for the benefit of mankind (as well as for the benefit of their native populations): it is also a question whether States which do not hold such empires, or hold them only to a degree which they feel to be disproportionate, should not be assigned some share, or assigned a larger share than they now hold, in order that the general benefit of humanity may be better served by a wider repartition of responsibility and a broader distribution of the duty of developing material resources for common use and enjoyment.

This, however, is a purely theoretical statement of the problem. In practice, and in actual fact, the States which are dissatisfied with the present distribution of colonial territories do not put their case, or rest their claims, on the ground of the benefit of mankind. They put their case, and they rest their claims, on the ground of the benefit of their own people. Their argument is an argument of *wants*; and they urge that colonial territory is necessary for the satisfaction of a number of wants which their peoples feel, or are alleged to feel. The first is the want of an outlet for surplus population: the second is the want of a territory from which imports of necessary raw materials may be drawn and to which exports of manufactured goods may be sent in return. But in addition to these two more immediate wants, which may be called a want for the export of human stock and a want for the import and export of

a stock of commodities, there are also two other wants. The first of these is the want of strategic bases for sea and air communications, or, in other words, a want for national power: the second is the want of an area of operation in which the claimant State can fulfil a mission of culture, on its own national version of culture, or, in other words, a want for prestige and the recognition of national values.

What is to be said of the claim for redistribution of colonial territories, whether it be based on the larger principle of the benefit of mankind at large, or on the smaller principle of the benefit of the nation which makes the claim? Two things may be said. In the first place, redistribution of colonial territories necessarily means surrender by an old occupant and acquisition by a new. Until there is an acknowledged international authority, competent to effect a redistribution by the way of peace and on the basis of equity, such surrender and acquisition can only be achieved by war. But war merely substitutes one pragmatic distribution for another, without giving any security that the new distribution will be more equitable than the old. Under these conditions the existing holders of colonial territories have no duty to relinquish what they hold. The present system of distribution may not be ideal. It exists; and since it is alterable only by war, and war is no argument, it has a title to continued existence—provided always that those who are holders under the system are active

holders, actively developing what they hold on the principle of the double trust. This proviso leads to the second thing which may justly be said in regard to claims for the redistribution of colonial territories. Such claims are met and answered—answered fully and totally—if in addition to the right of a legal prescription alterable only by war the existing holders can show a right grounded in the equitable consideration of the due performance of trust. If they have added that equitable title to the legal title of possession, they can rest content with their case.

We are thus brought back, at the end of the argument, to the cardinal issue of trust and to the cardinal question whether there is actual performance of trust. So far as Great Britain is concerned, we have already seen reason for believing that the first principle of trust, which is the advancement of the well-being and the liberty of native populations, is being faithfully obeyed. Is there equally good reason for believing that the second principle—the principle of the development of material resources for the benefit of mankind—is being as faithfully obeyed? It must be admitted that there is one respect in which we have ceased to fulfil the second principle of the double trust as faithfully as we once did. Part of that principle is the policy of the open door. It is for the benefit of mankind that the material resources of colonial territories should be freely available to all, and that all should have access to the supplies they furnish and the

markets they afford. We have begun to shut—not totally, but in an increasing measure—the door of access to colonial territories. Herein it may well be argued that we are falling short of our own idea of trust. We are denying equal opportunities for the trade and commerce of other States in no small part of the dependent empire.<sup>1</sup> The door stood open without exception down to the year 1904: it had begun to be closed even before the Ottawa conference of 1932: since that conference it may be said that “not only has the open door in the greater part of the colonial empire been closed, but against Japan it has been slammed”.<sup>2</sup> It may be argued to be an error of logic, and a worse error of politics, that a policy of Dominion protection and preference should have been connected and intertwined with a similar policy in the colonial empire. In this respect the Dominions and the colonial empire stand on very different footings. The Dominions and Great Britain are sovereign States, which may freely embark, if they so wish, and if (whether rightly or

<sup>1</sup> In that part of the colonial empire which is composed of mandated territories (of the higher, or ‘A’ and ‘B’, types, to which most of the British mandated territories belong) “equal opportunities for the trade and commerce of other Members of the League” must be, and are, afforded. In other parts of the colonial empire, under the terms of treaties with other States (such as the Congo Basin Treaties, which cover Uganda and Kenya and some other African territories), the door is still kept open. Elsewhere the policy of the shut door is now followed.

<sup>2</sup> *The British Empire* (a Report by members of the R.I.I.A.), p. 262.

wrongly) they think it wise, on a policy of protection and preference. The colonial empire is held by Great Britain on a trust which imposes limitations on economic policy—limitations arising both from the interest of the native population and from the interest of the rest of the world. This double limitation may produce a single effect. We not only affect adversely the interests of the Japanese, for example, when we exclude their products from colonial territories: we also, in the same breath and by the same act, affect adversely the interest of the native population, which may be able to afford, and will therefore want, those products, but cannot afford our own dearer, if better, products. It may therefore be contended that the re-establishment of the open door in the whole of the colonial or dependent empire is necessary to the proper performance of trust in both of its aspects, but particularly in that aspect which is concerned with the benefit of mankind. Our dependent empire will be an area not of trustee imperialism, which is an imperialism not to be condemned, but of that economic imperialism which is not unjustly denounced, if we make it an empire of the shut door.

We may ask, in conclusion, whether the full operation of trustee imperialism does not demand, in that aspect of it which concerns mankind at large, something more than the Open Door. Should mankind at large, through the League of Nations, or some such international authority, be given some power of

judging whether the trust is being performed, for the benefit of native populations as well as for its own general benefit, and some power of securing that it shall actually be so performed? There are some who would urge that Great Britain ought to accept the obligation of a mandate under the League of Nations for each and every part of the colonial empire, extending to the whole what at present is confined to a part. It might well be a forward step in the progress of humanity if that could be done—not only in the British, but in all colonial empires. But even if it were done, it is to be hoped that the general British idea of the Trust, which is wider, even if it is vaguer, than the idea of the Mandate, would still continue to be entertained and to be acted upon; and it is equally to be hoped that the British Parliament and the British Colonial Office, which have been vigilant guardians of the trust they “regard themselves as exercising... on behalf of the native population”, will still remain vigilant over the trust—even if the League and its Mandates Commission are also vigilant over the Mandate.

Some have gone further, and have ventured to propose the transference of colonial territories from the States now vested with these territories to an international authority, instituted by and responsible to the League of Nations, which would thus become the administering and guiding power. It is far from clear, however, that a succession of different inter-

national administrators, acting under an international authority, would be either as responsive to the local feeling of the native populations or as sensitive to the movement and demands of a living public opinion at the centre, as is the succession of British administrators. That succession can bring to the natives an established expectation of British use and wont under which they can easily express themselves and their feelings; and behind that succession always stands the daily living supervision of the British House of Commons, expressive of the best of public opinion in Great Britain. It seems dangerous to surrender substance for what, so far as concerns the first principle of the double trust, might prove to be, in comparison, a shadow; nor is it clear, so far as the second principle is concerned, that the general benefit of mankind is better secured by an international authority than it is by a national authority acting on the policy of the Open Door. An international administrative authority might, it is true, do something to prevent colonial rivalries between the nations; but it might itself be divided internally, and even made ineffective, by national jealousies and national demands for adequate representation and proportionate influence.

## EPILOGUE

IN the first chapter of this book it was said, of the classical or continental conception of empire, that in the course of its development empire came to denote "not only a form of government, but also a mission of culture...and of something higher than culture". Can the same be said of the modern or maritime conception of empire, which has found its chief illustration in the British Empire and Commonwealth?

The British Empire is not a single form of government imposed by authority or standardized on a pattern. On the contrary, it is a rich forest of forms, germinating and growing in their different ways in response to the urgency of native sap and in obedience to the genius and the needs of different local soils. But if it is not a single form of government, it is a single spirit; and that spirit is a spirit of liberty. The British, in the large and general course of their history, have not said to themselves, or been taught by their prophets, '*Tu regere imperio populos memento*'. They have rather said, though they have failed at times to be true to their saying, '*Tu populos liberare atque educare memento*'.

Consciously or unconsciously, they have also sought to fulfil a mission, which may fairly be called "a mission of culture...and of something higher than culture".

They have sought, with a growing sense of the trust imposed upon them, to introduce among the native peoples of their colonial empire a culture which is without compulsion, and a faith which acts by persuasion. They have felt, or have come to feel, that *parcere subjectis* is not enough; that the verb *ministrare* must be added to the verb *parcere*; and that the verb must be understood not only in the sense of administration, but also and even more in its original sense of service. When the British Government declares that "it is the mission of Great Britain to work continuously for the training and education of the African towards a higher intellectual, moral and economic level", it is not using idle words.

The argument has shown the spread through the whole of the British Empire of three ideas—the idea of the liberty of every 'subject' under the common law: the idea of the representative principle, growing ultimately into the principle of responsible government: the idea of the trust, growing ultimately into that of the double trust. It has also shown the spread of the idea and practice of the voluntary society, acting side by side with the State, or running ahead of the State. These may be called secular ideas—though even these, in their final foundations, have a basis in religious faith. That faith has also been directly and immediately evident. It inspired many of the settlements of the seventeenth century, and it still continued to inspire settlements in the nineteenth. It also inspired

the suppression of the slave trade and far-flung work in the mission field: it inspired the beginnings of the education of native peoples: it has been the constant inspiration of societies and efforts for the defence of native rights.

The mark of imperfection is written on all human achievement; and it is written on the history of the British Empire. There have been periods of the pursuit of riches and of exploitation: periods of nabobs, loot, treasure-hunting, and jingoism. There is no perfection to-day. But it is possible for a writer nourished in the creed of Liberalism to take comfort from what he sees to-day—forty years after those days, at the end of the nineteenth century, when the Liberal tradition of Great Britain seemed to be gravely imperilled. On the one hand he has witnessed the passing of an Act, during the last few months, which devotes a sum of £50,000,000 from the British Treasury to aid the development of the resources of colonial territories, and to enable them to improve their methods of agriculture, their conditions of health, and their housing. On the other hand, he has also witnessed, during these same few months, spontaneous offerings of men as well as of money from all parts of the empire—the Dominions, India and the colonies—to aid Great Britain in her struggle. Of all these gifts that which has moved him most is a gift from Sierra Leone, “in grateful recognition of the great benefits which Sierra Leone has received during the last 135 years

under the British flag". It would need a cynicism which the writer does not possess to disbelieve in the value of the ideas and ideals of an empire which can receive, as a free and voluntary gift, a tribute of that order.

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